

TOKYO 2020 OLYMPIC GAMES
AMENDED NOMINATION CRITERIA FOR SWIMMING EVENTS

SWIMMING NEW ZEALAND INCORPORATED

1. Application of this Nomination Criteria

- 1.1 This Nomination Criteria is issued by the Board of Swimming New Zealand.
- 1.2 This Nomination Criteria shall take effect from 5th December 2018 and was amended on 5th September 2019.
- 1.3 This Nomination Criteria applies to:
- (a) all Athletes wishing to be considered for nomination to the Games Team to compete in the Games in a Swimming Event; and
 - (b) Swimming New Zealand, including its Selectors, that wish to nominate Athletes to NZOC to be considered for selection to the Games Team for the Games.

2. Selectors

- 2.1 **Composition:** The Selectors have been appointed by Swimming New Zealand Chief Executive. The Selectors who will consider nomination of Athletes to NZOC to be considered for selection in the Games Team are:
- *Brent Layton*
 - *Anna Cleaver*
 - *Philip Rush*
 - *Nick Tongue*

3. Nomination Procedure

- 3.1 **Conditions of Nomination:** The Selectors may only consider an Athlete for nomination if the Athlete has satisfied the following conditions of nomination:
- (a) returned 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 24 September 2019; and
 - ii. in exceptional circumstances before 24 January 2020 (or such extended date as agreed by the NZOC Board), where Swimming NZ provides NZOC with evidence that demonstrates that the Athlete could not have been reasonably in contemplation on 24 September 2019.

- (b) returned a completed Athlete Agreement to the NZOC, in the form prescribed by the NZOC prior to the Nomination Date; and
- (c) demonstrated to the satisfaction of Swimming New Zealand that they are not suffering any physical or mental impairment that would prevent them from competing in the Games to the highest possible standard; and
- (d) acted in such a manner so as not to bring the Athlete, the sport, Swimming New Zealand or the NZOC into public disrepute; and
- (e) for Individual Swimming Events, received an invitation by name by FINA to participate in the Games; and
- (f) to Swimming New Zealand'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 Swimming New Zealand, FINA's or NZOC's Integrity Regulation; and
- (g) from 24 January 2020 (or such extended date as agreed by the NZOC Board) has provided their name and contact address details to NZOC for the purpose of out of competition drug testing with Drug Free Sport New Zealand.

3.2 **Qualification:** New Zealand must qualify for places in a Swimming Event in accordance with the FINA's Qualification System for Tokyo 2020 Olympic Games ("FINA Qualification System") and/or FINA requirements for the Games. Qualification for a place in any Swimming 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 any Swimming Event at the Games.

3.3 **Nomination if Nomination Criteria Met:** Provided the requirements set out in clause 3.1 and 3.2 are met, the Selectors shall nominate to the NZOC on the Nomination Date those Athletes or group of Athletes it considers meet the Nomination Criteria set out below.

4. Nomination Events

4.1 **Nomination Events:** For Swimming Events, the Nomination Events are:

- (a) 2019 FINA World Championships. 12 July - 28 July 2019, Gwangju, Korea; and/or
- (b) 2020 Swimming NZ Open Championships, 31 March – 4 April 2020, Sir Owen Glen Aquatic Centre, Auckland, New Zealand; or
- (c) 2020 TYR Pro Swim Series, Indianapolis, USA, 6 May - 9 May 2020.

4.2 **Declaration of Nomination Event(s):** Athletes must inform Swimming New Zealand by 6 December 2019 the Nomination Event(s) the Athlete wishes to use to achieve the times set out in clause 5.2(b) and/or clause 5.2(g). For the sake of clarification, an Athlete may only swim in the Nomination Events set out in clause 4.1(a) and clause 4.1(b) **or** the Nomination

Events set out in clause 4.1(a) and clause 4.1(c). An Athlete may not nominate Nomination Events clause 4.1(b) **and** clause 4.1(c).

5. Nomination Criteria

5.1 **Nomination Criteria:** The Swimming New Zealand Nomination Criteria for nomination to the Games Team is made up of two parts:

- (a) the Over-Riding Nomination Criteria specified in clause 5.2; and
- (b) the Specific Nomination Factors specified in clause 5.3.

5.2 **Over-Riding Nomination Criteria:**

- (a) **Over-Riding Criteria:** In determining whether or not to nominate an Athlete or group of Athletes to a Swimming Event, the Selectors must be satisfied overall that the Athlete or group of Athletes:
 - i. is or are capable of achieving a top 16 placing at the Games in the Swimming Event, with the potential to win an Olympic Diploma (top 8 placing); and
 - ii. has a track record of sufficient quality and depth that Swimming New Zealand believes demonstrates the Athlete or group of Athletes will be competitive at the Games and will perform creditably in the Swimming Event.

Individual Swimming Events

- (b) **Evidence for Individual Swimming Events:** In order for the Selectors to determine whether or not the Athlete has met the Over-Riding Nomination Criteria for Individual Swimming Events in clause 5.2(a) above, the Athlete must have achieved a time equal to or better than the times detailed below in the relevant Individual Swimming Event at the Nomination Event(s), unless granted Extenuating Circumstances as per 6.0 below:

Men's	Individual Swimming Event	Women's
22.01	50m Freestyle	24.77
48.57	100m Freestyle	54.38
1:47.02	200m Freestyle	1:57.28
3:46.78	400m Freestyle	4:07.90
7:54.31	800m Freestyle	8:33.36
15:00.99	1500m Freestyle	16:32.04
53.85	100m Backstroke	1:00.25

1:57.50	200m Backstroke	2:10.39
59.93	100m Breaststroke	1:07.07
2:10.35	200m Breaststroke	2:25.52
51.96	100m Butterfly	57.92
1:56.48	200m Butterfly	2:08.43
1:59.67	200m Individual Medley	2:12.56
4:15.84	400m Individual Medley	4:38.53

- (c) **Quota Restrictions for Individual Swimming Events:** New Zealand are permitted to enter a maximum of two athletes per Individual Swimming Event at the Games. Should more than two Athletes achieve a time as per above in the same Individual Swimming Event at a Nomination Event, the Athletes with the two fastest time at the Nomination Events shall be nominated. In the event of a tie, the Selectors will consider one or more the Specific Nomination Factors set out in clause 5.3.
- (d) **Permission to Start:** At the sole discretion of the NZOC and upon request by Swimming New Zealand, Athletes who have been selected by the NZOC for an Individual Swimming Event and where there is an available place, may be permitted to start:
- i. in a Relay Event, where competing in the Relay Event will not have any detrimental effect on the Individual Swimming Event for which the Athlete has been selected; and/or
 - ii. in an Individual Swimming Event for which the Athlete has received an invitation by name from FINA to participate in the Games but is below the time set out in the above table, where competing in the Individual Swimming Event will not have a detrimental effect on any Individual Swimming Event for which the Athlete has been selected.

Relay Swimming Events

- (e) **Evidence for Relay Events:** Subject to qualification of a Relay Team under the FINA Qualification system, in determining whether or not a group of Athletes has met the Over-Riding Nomination Criteria for Relay Events in clause 4.2(a) above, the group of Athletes must:
- i. be the four fastest athletes in the 100m and 200m freestyle events at the Nomination Events subject to Clause 6 below; or
 - ii. be the four fastest Athletes calculated to produce the fastest combined time in each of the 100m Individual strokes at the Nomination Events subject to Clause 6 below;

provided that the group of Athletes produce a total Relay Team time which is equivalent to or better than a time that would have placed in the top 16 Relay Swimming Events at the FINA World Championships in 2019. A changeover allowance of 1.95 seconds shall be deducted from the total of these four times.

- (f) **Fifth Relay Team Member:** The SNZ Selectors may consider (in its absolute discretion) the nomination of a fifth Athlete to a Relay Team where the time that the fifth Athlete swam in his/her Individual Swimming Event at the Nomination Event(s) could be interchanged with the time of a Nominated Athlete for a Relay Swimming Event which produces a total team time which is equivalent to or better than a time that would have placed the Relay Team in the top 16 at the FINA World Championships in 2019.
- (g) **Relay Only Athletes:** A maximum of two Relay Only Athletes not nominated for Individual Swimming Events can be nominated as part of a Relay Team. However, the Relay Only Athlete must have achieved a time equal to or better than the times detailed below in the relevant Individual Swimming Event at the Nomination Event(s) that corresponds with the Relay Event or, in the case of the Medley, the leg of the Relay Event in which they seek nomination.

Men's	Individual Swimming Event	Women's
50.03	100m Freestyle	56.01
1.50.23	200m Freestyle	2.00.80
55.47	100m Backstroke	1.02.06
1.01.73	100m Breaststroke	1.09.08
53.52	100m Butterfly	59.66

- (h) **Final Composition of Relay Team:** The final composition of the Relay Teams at the Games will be determined by the Swimming team leader at the Games, in their sole discretion, in accordance with FINA rules and regulations.

5.3 **Specific Nomination Factors:** When considering the Over-Riding Nomination Criteria above, the Selectors may also take into account any one or more of the following factors about an Athlete:

- (a) any other performances or results in competitions / events in addition to the Nomination Event(s);
- (b) the views of the Selectors about the athlete's likely placing at the Games;
- (c) the number and nature of Swimming Events that the athlete may compete in at the Games;
- (d) developing the potential of the athlete for the 2024 Olympic Games;

- (e) adequate fitness and a commitment to maintain a fitness and training programme as agreed with the applicable coach(es);
- (f) demonstrated good behaviour, including a commitment to training and attendance at training camps;
- (g) demonstrated compatibility with others in a team environment;
- (h) demonstrated compliance with the rules of events and competitions;
- (i) understanding and respect for the obligations that accompany being a member of a New Zealand team when competing at the Games, including respect for team members and support staff;
- (j) willingness to promote Swimming New Zealand in a positive manner;
- (k) demonstrated ability to take personal responsibility for self and their results;
- (l) proven ability to be reliable; and
- (m) any other factor(s) the Selectors consider relevant.

5.4 **Own Enquiries:** In considering any one or more of the above factors, the Selectors may make such enquiries of the Athlete, or other persons, as they see fit.

5.5 **Weight to be Given to Specific Nomination Factors:** The Selectors may give weight to any one or more of the Specific Nomination Factors and, if they do, to apply such weighting to one or more Athletes. No particular factor shall be weighted more or less significantly by reason only of the order in which that factor appears in this Nomination Criteria.

5.6 **Extenuating Circumstances:** In any decision regarding the nomination of Athletes to the Games Team, the Selectors may, in their sole discretion, take into account any extenuating circumstances in accordance with clause 6 below.

5.7 **Nomination Procedure:** After consideration of this Nomination Criteria, the Selectors shall follow the procedure set out in clause 9 of the NZOC Nomination and Selection Regulation.

6. Extenuating Circumstances

6.1 **Extenuating Circumstances:** In considering the nomination of Athletes in accordance with this Nomination Criteria, the Selectors may, in their sole discretion, give weight to any extenuating circumstances which may include, but are not limited to, the following:

- (a) injury or illness;
- (b) travel delays;
- (c) equipment failure;

- (d) bereavement or personal misfortune; and/or
- (e) any other factors reasonably considered by the Selectors to constitute extenuating circumstances.

6.2 **Athlete to Advise:** Athletes unable to compete at events, trials, or other attendances required under this Nomination Criteria, must advise the Chief Executive of the extenuating circumstances and reasons, in writing, with as much advance notice as possible and ideally seven (7) days prior to the commencement of the event, trial or other attendance. If the Chief Executive is not notified of any extenuating circumstances in accordance with this Nomination Criteria, then the Selectors have no obligation to rely on such circumstances.

6.3 **Medical Certificate:** In the case of 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.

6.4 **Case by Case:** In the case of any extenuating circumstance/s, the Selectors will make a decision on a case-by-case basis.

7. **Appeal Procedure**

7.1 **Nomination Appeals:** An Athlete may appeal to Swimming New Zealand against their non-nomination to the NZOC by the Selectors provided that the Athlete has returned a completed:

- (a) Athlete Application to the NZOC by the Application Date; and
- (b) Athlete Agreement to the NZOC by the Nomination Date.

7.2 **Procedures for Nomination Appeals:** Any appeal under paragraph 7.1 must be made in accordance with the procedures set out in clause 13 of the NZOC Nomination and Selection Regulation.

8. **Inconsistencies**

8.1 **NZOC Nomination and Selection Regulation:** In the event there is any inconsistency between this Nomination Criteria and the NZOC Nomination and Selection Regulation, the NZOC Nomination and Selection Regulation shall prevail.

8.2 **FINA Qualification System:** If this Nomination Criteria imposes a higher qualification standard or a lesser number of participants than stated by the FINA Qualification System, this shall not be regarded as an inconsistency.

9. Amendments to this Nomination Criteria

- 9.1 **Prior to Nomination Date:** This Nomination Criteria may be amended or supplemented from time to time by the Board, before the Nomination Date, provided NZOC has approved the amendment/s and supplement/s.
- 9.2 **Notice:** The Board will give as much notice as possible of any amendment/s or supplement/s made under clause 9.1 to this Nomination Criteria, to persons it considers may be affected by any such amendment/s or supplement/s.

10. Definitions

- 10.1 **Application Date** means the dates set out in clause 3.1(a), by which Athletes must submit a completed Athlete Application in accordance with clause 8.3 of the NZOC Nomination and Selection Regulation.
- 10.2 **Athlete** means a person who wishes to be considered for nomination to the Games Team.
- 10.3 **Athlete Agreement** means the agreement that must be completed by any Athlete wishing to be considered for nomination and selection to the Games Team in accordance with clause 8.4 of the NZOC Nomination and Selection Regulation.
- 10.4 **Athlete Application** means the form set by the NZOC that must be completed by any Athlete applying to be nominated and selected to the Games Team.
- 10.5 **Board** means the Board of Swimming New Zealand as constituted under the Constitution.
- 10.6 **Chief Executive** means the Chief Executive Officer of Swimming New Zealand and includes his / her nominee.
- 10.7 **Constitution** means the Constitution of Swimming New Zealand.
- 10.8 **FINA** means the International Swimming Federation.
- 10.9 **Games** means the 2020 Olympic Games to be held in Tokyo, Japan from 24 July – 9 August 2020.
- 10.10 **Games Team** means the New Zealand Team at the Games selected in accordance with the NZOC Selection Policy for the Games.
- 10.11 **Individual Swimming Event** means one of the following events in the Games in which an Athlete competes:

Men's Events	Women's Events
50m Freestyle	50m Freestyle
100m Freestyle	100m Freestyle
200m Freestyle	200m Freestyle
400m Freestyle	400m Freestyle

800m Freestyle	800m Freestyle
1,500m Freestyle	1,500m Freestyle
100m Backstroke	100m Backstroke
200m Backstroke	200m Backstroke
100m Breaststroke	100m Breaststroke
200m Breaststroke	200m Breaststroke
100m Butterfly	100m Butterfly
200m Butterfly	200m Butterfly
200m Individual Medley	200m Individual Medley
400m Individual Medley	400m Individual Medley

10.12 **Nominated Athlete** means an Athlete who has been nominated to the NZOC by Swimming New Zealand.

10.13 **Nomination Criteria** means the criteria made up of the Over-Riding Nomination Criteria and the Specific Nomination Factors, and is also referred to as “this Criteria”.

10.14 **Nomination Date** means on or before 15 May 2020 (and includes any alternative date as agreed between NZOC and Swimming New Zealand by which Swimming New Zealand must submit any Nominated Athletes to the NZOC.

10.15 **Nomination Event(s)** means the events set out in clause 4.1.

10.16 **NZOC** means the New Zealand Olympic Committee Incorporated.

10.17 **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.

10.18 **Over-Riding Nomination Criteria** means the criteria set out in clause 5.2.

10.19 **Relay Event** means one of the following events in the Games in which an Athlete competes together with other Athletes:

Men’s Events	Women’s Events	Mixed Events
4 x 100m Freestyle Relay	4 x 100m Freestyle Relay	4 x 100m Mixed Medley Relay
4 x 200m Freestyle Relay	4 x 200m Freestyle Relay	
4 x 100m Medley Relay	4 x 100m Medley Relay	

10.20 **Relay Only Athletes** are those Athletes who have not been nominated in an Individual Swimming Event but have achieved the time set out in clause 5.2(g). These Athletes can only compete in the Relay Event at the Games and must compete in the relay heats at the Games.

10.21 **Relay Team** means a team of four or five Athletes who have been selected to compete in a Relay Event at the Games.

10.22 **Selectors** means the selectors appointed by Swimming New Zealand in accordance with clause 2 of this Nomination Criteria.

10.23 **Specific Nomination Factors** means the nomination factors set out in clause 5.3.

- 10.24 **Swimming Event** means an Individual Swimming Event and/or a Relay Event at the Games but does not include a Marathon Swimming Event at the Games.
- 10.25 **Swimming New Zealand** means Swimming New Zealand Incorporated.