

TOKYO 2020 OLYMPIC GAMES
NOMINATION POLICY FOR ROWING EVENTS

New Zealand Rowing Association Incorporated (“Rowing NZ”)

1. Application of this Nomination Policy

- 1.1 This Nomination Policy is issued by the Board of Rowing NZ and shall take effect from 5 October 2020 and supersedes the Tokyo 2020 Olympic Games Nomination Policy for Rowing Events dated 1 February 2019 and subsequently amended on 12 December 2019.
- 1.2 The NZOC has the sole right to select Athletes into the Games Team.
- 1.3 Rowing NZ wishes to nominate Athletes to the NZOC for selection into the Games Team.
- 1.4 This Nomination Policy applies to:
- (a) all Athletes wishing to be considered by Rowing NZ for nomination to the NZOC for selection into the Games Team to compete in a Rowing Event; and
 - (b) Rowing NZ, including its Selectors.

2. Selectors

- 2.1 **Composition:** The Panel of Selectors appointed by Rowing NZ pursuant to its Terms of Reference for Elite Selectors to select Athletes for nomination to the Games Team comprises Barrie Mabbott (Convenor) and Gary Hay. The composition of the Selection Panel shall at all times be published on the Rowing NZ website.

3. Nomination Procedure

- 3.1 **Conditions of Nomination:** Rowing NZ may only nominate an athlete to the NZOC for selection into the Games Team if the Athlete has:
- (a) returned a completed Athlete Application to the NZOC, in the form prescribed by the NZOC, by:
 - (a) no later than 5:00 pm on 23 September 2020; or
 - (b) no later than 5:00 pm on 23 January 2021 (or such other extended date as may be agreed by the NZOC and Rowing NZ) in exceptional circumstances where Rowing NZ provides the NZOC with evidence that demonstrates the Athlete could not have been reasonably in contemplation of such nomination before 23 September 2020; and
 - (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 Rowing NZ that the Athlete is not suffering any physical or mental impairment that would prevent the Athlete from competing at the Games to the highest possible standard; and

- (d) acted in such a manner so as not to bring the Athlete, the sport, Rowing NZ or the NZOC into public disrepute; and
- (e) to Rowing NZ's knowledge, not used or administered any substance which, if it had been detected as being present in the Athlete's body tissue or fluids, would have constituted doping, or used any prohibited method or committed any other doping offence as defined in the relevant Rowing NZ, FISA or NZOC integrity regulations; and
- (f) by 23 January 2021 (or such extended date as may be agreed by the NZOC Board) provided the Athlete's name and contact address details to the NZOC for the purpose of out-of-competition drug testing by Drug Free Sport New Zealand.

3.2 **Qualification:** New Zealand must qualify for places in a Rowing Event in accordance with the FISA Qualification System for the Tokyo 2020 Olympic Games. Such qualification for a place in any Rowing Event by an Athlete (or group of Athletes) does not guarantee that Athlete (or group of Athletes) will be nominated by Rowing NZ or selected by the NZOC to compete in the Rowing Event at the Games.

3.3 **Selection for Nomination:** The Selectors may select those Athletes they consider meet the Nomination Criteria set out below for nomination by Rowing NZ to the NZOC for selection into the Games Team.

3.4 **Nomination by Rowing NZ:** By no later than the Nomination Date, and providing the requirements set out in clauses 3.1 and 3.2 have been met, Rowing NZ may nominate those Athletes who have been selected by the Selectors to the NZOC for consideration of selection into the Games Team.

4. **Nomination Criteria**

4.1 **Nomination Criteria:** The Nomination Criteria which the Selectors shall consider in making their selection decisions are made up of two parts, being:

- (a) the Over-Riding Criteria as defined in clause 4.3; and
- (b) the General Criteria as defined in clause 4.4.

4.2 **Determination:** In determining whether or not to select an Athlete (or group of Athletes) for nomination by Rowing NZ to the NZOC, the Selectors must be satisfied that the Athlete (or group of Athletes) have demonstrated to the Selectors that at the Games they will be capable of satisfying both the Over-Riding Criteria and the General Criteria.

4.3 **Over-Riding Criteria:** Means the achievement of a Top 16 placing at the Games in the Rowing Event, with the potential to win an Olympic Diploma (Top 8 placing).

4.4 **General Criteria:** Means being competitive at the Games and performing creditably in the Rowing Event.

4.5 **Assessment of Nomination Criteria:** In determining whether or not an Athlete (or group of Athletes) have demonstrated that they are capable of achieving the Over-Riding Criteria and the General Criteria, the Selectors may consider any of the Factors set out in clause 4.6.

4.6 **Factors:** The Factors that may be taken into account by the Selectors in making their selection decisions include the following:

- (a) Current and past results, performances and outcomes including:
 - ergometer results;
 - national and international racing results, including but not limited to:
 - 2019 FISA Under 23 World Rowing Championships – Sarasota, USA
 - 2019 FISA Elite World Rowing Championships – Linz, Austria
 - 2021 FISA Final Qualification Regatta – Lucerne, Switzerland;
 - 2021 World Cup series (Zagreb, Lucerne, Sabaudia)
 - training performance including inter squad racing and testing;
 - ability to maintain training loads; and
 - making and maintenance of weight targets (lightweights and coxswains);
 - performance in trialling, including:
 - 2020 Elite Selection Trial 1 – 21 to 31 January 2020, Lake Karapiro;
 - 2020 Elite Selection Trial 2 – 29 February to 6 March 2020, Lake Karapiro;
 - 2021 Elite Selection Trial – 28 January 2021 to 4 February 2021, Lake Karapiro
 - any trialling conducted during the Olympic Nomination Consideration Period – 24 May to 8 June 2021;
- (b) Technical proficiency, level of skill and fitness;
- (c) Any past, current or recurring injury or condition (physical or otherwise) which has or may have the potential to inhibit the performance of an Athlete (or group of Athletes);
- (d) Factors relevant to an Athlete’s combination within a crew, including but not limited to compatibility, technical compatibility, crew balance and harmony (consideration of crew compatibility and balance and harmony is to be based on information gathered from appropriate sources such as coach and team manager feedback or reports);
- (e) Factors relevant to team balance and harmony in training and touring situations (consideration of these factors is to be based on information gathered from appropriate sources such as coach and team manager feedback or reports);
- (f) Adherence to RNZ practices, procedures, programmes (including the High Performance programme and the Rowing Performance Centre programme) and policies;
- (g) Adherence to contractual obligations (past and current) with Rowing NZ;
- (h) Findings from consultations with relevant coaches;
- (i) Findings from medical examinations or sport science analysis;
- (j) Potential for future development as an individual or as a combination;
- (k) Factors relevant to team objectives and/or the Olympic objectives of Rowing NZ including but not limited to racing outcomes, and the potential to meet, advance or impede those objectives;
- (l) Ability or willingness to train and compete within the Rowing NZ High Performance programme at locations and competitions, both within New Zealand and overseas, as required or designated by Rowing NZ.

4.7 **Weighting:** In making their selection decisions, the Selectors, in their sole discretion, may give weight to any one or more of the Factors.

- 4.8 **Own Enquiries:** In considering any one or more of the Factors, the Selectors may make such enquiries of the Athlete, or other persons, as they see fit.
- 4.9 **Extenuating Circumstances:** In making their selection decisions, the Selectors may, in their sole discretion, take into account any extenuating circumstances as prescribed in clause 5.
- 4.10 **Nomination Procedure:** After consideration of this Nomination Policy, the Selectors shall follow the procedure set out in clause 9 of the NZOC Nomination and Selection Regulation.
- 4.11 **Permission to start in other Rowing Events:** At the sole discretion of the NZOC, an Athlete who has been selected into the Games Team may, upon the request of Rowing NZ, be granted permission to compete in another Rowing Event where competing in such an Event will not have any detrimental effect on the Rowing Event for which the Athlete has already been selected.

5. Extenuating Circumstances

- 5.1 **Extenuating Circumstances:** In considering the selection of Athletes in accordance with this Nomination Policy, 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;
 - (e) rowing or weather conditions; and/or
 - (f) any other factors reasonably considered by the Selectors to constitute extenuating circumstances.
- 5.2 **Athlete to Advise:** Athletes unable to compete at events, trials, or make other attendances required under this Nomination Policy, must advise the GM Performance 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 GM Performance is not notified of any extenuating circumstances in accordance with this Nomination Policy, then the Selectors shall have no obligation to consider any such circumstances.
- 5.3 **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.
- 5.4 **Case by Case:** In the case of any extenuating circumstance(s), the Selectors will make a decision on a case-by-case basis.

6. Appeal Procedure

- 6.1 **Appeals:** An Athlete may appeal to Rowing NZ against a decision of the Selectors in accordance with the Rowing NZ Nomination Appeals Process for Athletes and Crews (Schedule 1) 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. Inconsistencies

- 7.1 **NZOC Nomination and Selection Regulation:** 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.
- 7.2 **FISA Qualification System:** If this Nomination Policy imposes a higher qualification standard or provides for a lesser number of participants in a Rowing Event than that which is prescribed in the FISA Qualification System, this shall not be regarded as an inconsistency.

8. Amendments to this Nomination Policy

- 8.1 **Prior to Nomination Date:** This Nomination Policy 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.
- 8.2 **Notice:** The Board will give as much notice as possible of any amendment/s or supplement/s made under clause 8.1 to this Nomination Policy, to persons it considers may be affected by any such amendment/s or supplement/s.

9. Definitions

- 9.1 **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.
- 9.2 **Athlete** means a person who wishes to be selected by Rowing NZ for nomination to the Games Team.
- 9.3 **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.
- 9.4 **Athlete Application** means the form set by the NZOC that must be completed by any Athlete wishing to be nominated for selection to the Games Team.
- 9.5 **Board** means the Board of Rowing NZ as prescribed under the Constitution of Rowing NZ.

- 9.6 **Factors** means the factors set out in clause 4.6.
- 9.7 **FISA** means the World Rowing Federation.
- 9.8 **FISA Qualification System** means the qualification standards set by FISA for the Games.
- 9.9 **Games** means the 2020 Olympic Games to be held in Tokyo, Japan from 23 July - 8 August 2021.
- 9.10 **Games Team** means the New Zealand Team at the Games selected in accordance with the NZOC Selection Policy for the Games.
- 9.11 **General Criteria** means being competitive at the Games and performing creditably in a Rowing Event.
- 9.12 **GM Performance** means the GM Performance of Rowing NZ and includes his/her nominee.
- 9.13 **Nominated Athlete** means an Athlete who has been nominated to the NZOC by Rowing NZ.
- 9.14 **Nomination Criteria** means the criteria made up of the Over-Riding Criteria and the General Criteria as defined in clauses 4.3 and 4.4.
- 9.15 **Nomination Date** means on or before 9 June 2021 as agreed by the NZOC (and includes any alternative date as agreed between the NZOC and Rowing NZ) by which Rowing NZ must submit any Nominated Athletes to the NZOC.
- 9.16 **NZOC** means the New Zealand Olympic Committee Incorporated.
- 9.17 **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.
- 9.18 **Olympic Nomination Consideration Period** means the period between 24 May 2021 – 8 June 2021 in which the selectors may finalise the Nominated Athletes and may, (in their sole discretion) decide to hold further trials to assist them assessing the factors set out in clause 4.6.
- 9.19 **Over-riding Criteria** means the achievement of a Top 16 placing at the Games in the Rowing Event, with the potential to win an Olympic Diploma (Top 8 placing).
- 9.20 **Rowing Event** means an event which is to be contested at the Games and as listed in the following table:

Men's Events	Women's Events
Single Sculls (M1X)	Single Sculls (W1X)
Pair (M2-)	Pair (W2-)
Double Sculls (M2X)	Double Sculls (W2X)
Four (M4-)	Four (W4-)
Quadruple Sculls (M4X)	Quadruple Sculls(W4X)
Eight (M8+)	Eight (W8+)
Lightweight Double Sculls (LM2X)	Lightweight Double Sculls (LW2X)

- 9.21 **Rowing NZ** means the New Zealand Rowing Association Incorporated.
- 9.22 **Rowing NZ Nomination Appeals Process for Athletes and Crews** means the nomination appeals process attached as Schedule 1.
- 9.23 **Selectors** means the selectors appointed by Rowing NZ in accordance with clause 2 of this Policy.

Schedule 1
Rowing NZ Nomination Appeals Process for Athletes and Crews

1. Appeals

The Rowing NZ Board, on the advice of the GM Performance and Chief Executive of Rowing NZ, shall appoint a Nomination Ombudsman (“Ombudsman”) to hear any appeals from an Athlete (or group of Athletes) against any decision of the Selectors.

2. Role of the Ombudsman

The Ombudsman shall:

- 2.1. To such extent as may be possible attend and/or observe the running of the National Selection Trials.
- 2.2. Be privy to discussions and decisions of the Selectors.
- 2.3. Hear and determine appeals by Athletes and/or Crews on the selection process and/or any decision of the Selectors.
- 2.4. Following the determination of any appeal make such recommendations as may be appropriate to the Board.

3. Appeals process:

- 3.1. An Athlete may lodge an appeal with the GM Performance at any time during the nomination process, but not later than twenty-four (24) hours after notification by Rowing NZ of the Athlete’s non-selection to be nominated by Rowing NZ to the NZOC.
- 3.2. The GM Performance will consult with the Convenor of Selectors and/or all Selectors and any other person as may be deemed appropriate in order to properly respond to the Athlete or Crew.
- 3.3. The GM Performance will attempt to respond to the Athlete or Crew within twenty-four (24) hours of lodgement of the appeal.
- 3.4. In the event the GM Performance is unable to answer the concerns of the Athlete or Crew such that the Athlete or Crew wishes to maintain his, her or their appeal, then such appeal shall be referred to the Ombudsman.
- 3.5. In determining any such appeal, the Ombudsman shall properly consider all such evidence as may be adduced from the Athlete or Crew, the Selection Panel and any other relevant party.

4. Grounds for Appeal

An appeal by an Athlete or Crew may only be made on one or more of the following grounds:

- 4.1 The Nomination Criteria has not properly been followed, applied and/or implemented;
or
- 4.2 The Athlete or Crew seeking nomination was not afforded a reasonable opportunity to satisfy the Nomination Criteria; or
- 4.3 The nomination process was affected by actual bias; or
- 4.4 There was no material on which the nomination decision could reasonably be based.

5. Determination of Appeal

- 5.1. Upon determination of the appeal the Ombudsman shall communicate his or her findings together with an appropriate recommendation to both the Rowing NZ Board and the Athlete or Crew.
- 5.2. The Board after due consideration of the findings and recommendation of the Ombudsman shall make a decision as to the course of action to be followed by Rowing NZ which shall be communicated to the Athlete or Crew at the earliest opportunity.
- 5.3. If at the conclusion of the above process the Athlete or Crew remains dissatisfied, the Athlete or Crew may file an application for appeal with the Sports Tribunal of New Zealand ("Sports Tribunal"). Thereafter the appeal shall be determined in accordance with the Rules of the Sports Tribunal (see www.sportstribunal.org.nz).
- 5.4. The decision of the Sports Tribunal shall be binding on the parties and, subject to any right of review and/or appeal as set out in the Rules of the Sports Tribunal, no party to the appeal may institute or maintain proceedings in any Court or other Tribunal.

6. NZOC Nomination and Selection Regulation

- 6.1 For the sake of clarity, the NZOC Nomination and Selection Regulation remains unaltered in all respects other than the variation to the nomination appeals process set out in clause 13.2 of the NZOC Nomination and Selection Regulation.