



## TRIATHLON NEW ZEALAND

### 2016 RIO OLYMPIC GAMES NOMINATION POLICY

#### 1. Introduction

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- 1.1. **Scope:** This Nomination Policy explains how Tri NZ will nominate Athletes to the NZOC for the men's and women's triathlons for the 2016 Olympic Games ("Games").
- 1.2. **Aim:** The primary aim of Tri NZ in nominating Athletes for the Games is to win one or more medals. The secondary aim is to achieve top 8 placings at the Games. These aims are reflected in Tri NZ's 2020 High Performance Strategy.
- 1.3. **Application:** This Nomination Policy is issued by the Board of Tri NZ and takes effect from 21 June 2015. This Nomination Policy applies to:
  - (a) all 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 men's and women's triathlon at the Games is a three-step process:
  - (a) **Step 1 – Application/Eligibility:** Application by the Athlete to Tri NZ to be considered for nomination and selection;
  - (b) **Step 2 – Nomination:** Nomination by Tri NZ to the NZOC; and
  - (c) **Step 3 – Selection:** Selection by the NZOC to the Games Team.
- 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 forms part of the NZOC Agreement for the Games (a copy of which is available at [www.olympic.org.nz](http://www.olympic.org.nz)).
- 1.6. **Definitions:** Clause 13 of this Policy sets out the meaning of certain words used in this Policy.

## **2. Qualification of Quota Places**

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- 2.1. **Qualification Criteria:** New Zealand must qualify quota places in the Event in accordance with the ITU Rio 2016 Olympic Games Qualification Criteria. The securing of a quota place in the Event by an Athlete (whether or not they are an Eligible Athlete) does not guarantee that the Athlete will be nominated or selected to compete in the Event at the Games.
- 2.2. **No Obligation:** Tri NZ is not obliged to nominate the maximum number of Athletes permitted under the ITU Rio 2016 Olympic Games Qualification Criteria to fill the quota places available.

## **3. Step One – Application and Eligibility for Nomination**

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- 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) is a member of Good Standing of Tri NZ; and
  - (b) has fully completed the application requirements set out in clause 3.2 of this Nomination Policy; and
  - (c) meets the eligibility requirements of the ITU for the Games as specified in the ITU Rio 2016 Olympic Games Qualification Criteria; and
  - (d) has demonstrated to the satisfaction of the Selectors they are not suffering any physical or mental impairment that would prevent them from competing in the Games to the best of their ability; and
  - (e) 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
  - (f) to Tri NZ's knowledge, has not used or administered any substance which, if it had been detected as being present in the Athlete's body tissue or fluids, would have constituted doping, or used any prohibited method or committed any other doping offence as defined in Tri NZ's, ITU's or NZOC's Integrity Regulation; and
  - (g) from 5 February 2016 (6 months from the Games) has provided their name and contact address details to the NZOC for the purposes of out of competition drug testing by DFSNZ.
- 3.2. **Application Procedure:** Athletes wishing to be considered by Tri NZ for nomination to the NZOC for the Games Team must:

- (a) return a completed Athlete Application to the Tri NZ High Performance Director prior to 27 July 2015; and
  - (b) return a completed Athlete Agreement to the Tri NZ High Performance Director prior to 28 September 2015.
- 3.3. **No Nomination:** If an Athlete does not meet all of the eligibility requirements specified in clause 3.1 by his or her 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.

#### **4. Step 2 - Nomination by Tri NZ**

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- 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 Dates.
- 4.2. **Nomination Dates:** The Nomination Dates are as follows:
- (a) **Early Nomination:** 28 September 2015: for early nomination of Medal Capable Athletes under clause 5.1(a)(i); and
  - (b) **Late Nomination:** 23 May 2016: for any other Athletes.
- 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**

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- 5.1. **Nomination Criteria:** In determining whether or not to nominate an Athlete to the NZOC, the Selectors must be satisfied that:
- (a) **Primary Criteria – Medal Capable**

The Athlete is capable of achieving a medal in the Event ("Medal Capable"). The Athlete will be considered to be Medal Capable, in the following circumstances:

- (i) **For Early Nomination:** where the Athlete obtains two or more podia placings at Nomination Events by 28 September 2015, provided one of the two podia placings is obtained in a Grand Final of the World Triathlon Series; or
- (ii) **For Late Nomination:** where the Athlete obtains two or more podia placings at any of the Nomination Events.

(b) **Secondary Criteria**

Where a quota place(s) has been qualified but not filled through the Primary Criteria above, then as a Secondary Criteria, the Selectors may, in their sole discretion and in no priority order, nominate an Athlete:

- (i) who can demonstrate he or she is top 8 capable in the Event. An Athlete will be regarded as top 8 capable if the Athlete obtains two or more top 8 placings at any of the Nomination Events; or
- (ii) who can demonstrate he or she is top 8 capable in the Event, with the potential to medal at the Tokyo 2020 Olympic Games. An Athlete will be regarded as top 8 capable with a potential to medal at Tokyo 2020, if the Athlete obtains at least one top 8 placing at any Nomination Event and, based on evidence from the Tri NZ Athlete Pathway, can demonstrate that if he/she continues his/her accelerated performance, he/she will be capable at a top 3 place at Tokyo 2020 in the Event; or
- (iii) who can demonstrate he or she is capable of assisting a Medal Capable Nominated Athlete achieve a medal winning performance (“Domestique”). For an Athlete to be nominated as a Domestique, the Athlete must have demonstrated all of the following at Nomination Events and training/testing camps:
  - exited the swim discipline in advance of the Medal Capable athlete; and
  - influential capability in the bike discipline, for example:
    - \* bridging from one pack to another;
    - \* leading other Tri NZ athletes to bridge and/or escape through consistently high pace;
    - \* protecting other Tri NZ athletes from attacks in the bunch through pace, positioning, technical and tactical ability;
    - \* power profile equal to or better than the medal band of the Tri NZ HP Athlete Pathway; and
  - an ability to remain calm, composed and fully supportive of other Tri NZ athletes, allowing a Medal Capable Nominated Athlete to focus on their own performance; and
  - compatibility with a Medal Capable Nominated Athlete and commitment to the Tri NZ High Performance Programme as shown by their attitude and behaviour.

(c) **Final Criteria**

Where a quota place(s) has been qualified but none filled through the Primary or Secondary Criteria above, then as a Final Criteria, the Selectors may, in their sole discretion, nominate a maximum of one Athlete who can demonstrate he or she is top 16 capable in the Event. An Athlete will be regarded as top 16 capable if the Athlete obtains two or more top 16 placings at any of the Nomination Events.

5.2. **Tied Athletes:** If in the Nomination Criteria in clause 5.1 above, there are more Athletes who meet the criteria, than quota places available, nomination will be decided by the Selectors having regard to one or more of the following factors:

- (a) the Athletes' comparative performances in the 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;
- (b) developing the potential of an Athlete for the 2020 Olympic Games;
- (c) an Athlete's attendance, attitude, and conduct at past competitions, training sessions, training camps, trials and other events; and
- (d) any other information the Selectors consider relevant.

## **6. Extenuating Circumstances**

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6.1. **Application:** The Selectors may, in their sole discretion, consider and place weight upon any Extenuating Circumstances when considering an Athlete for nomination under 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, must advise the Chair of Selectors of the specific Extenuating Circumstances in writing, with as much advance notice as possible, and:

- (a) if the Extenuating Circumstances prevent an Athlete from competing or performing in a race, then ideally 7 days and no later than 2 hours 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 24 hours 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 Chair of Selectors 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

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- 7.1. **Demonstration:** In considering any Athlete for nomination, the Selectors must, in their sole discretion, be satisfied that each Athlete has demonstrated:
- (a) the commitment to maintain an appropriate level of fitness, training and competition to compete in the Games to the best of their ability; and
  - (b) a strong team ethic, including, a commitment to attend relevant Tri NZ training camps, 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, 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;
  - (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 has not, in their discretion, been met or a satisfactory response given, the Selectors may:
- (a) decide not to nominate that Athlete;
  - (b) require the Athlete to take specific steps to satisfy the requirements before the Nomination Date;
  - (c) nominate the Athlete but notify the NZOC that the Athlete should not be selected without conditions relating to that requirement; or,
  - (d) nominate the Athlete.

## **8. Process & Consequences of Nomination**

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- 8.1. **Notification:** All Eligible Athletes will be informed by Tri NZ whether or not they have been nominated to the NZOC as Nominated Athletes.
- 8.2. **Requirements:** Every Nominated Athlete must:
- (a) maintain an appropriate level of fitness, training and competition as determined by Tri NZ;
  - (b) keep the Selectors appraised of their fitness via the Tri NZ High Performance Director. Ordinarily this will include race results and/or training data provided on a monthly basis;
  - (c) inform the Tri NZ High Performance Director and the Tri NZ HP Chief Medical Officer 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 the Tri NZ Chief Medical Officer 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, nominate another Athlete to the NZOC in accordance with this Nomination Criteria.

## **9. Step 3 – Selection by NZOC**

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- 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. For example, conditions of may include those noted below or any other conditions specified by the NZOC:
- (a) recovery from injury to the satisfaction of the NZOC, after consultation with Tri NZ, by a specified date;
  - (b) qualification of a quota place for the Games under the ITU qualification system by a specified date; and/or
  - (c) meeting a specified performance or testing requirement.

- 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(s) has not been satisfied.
- 9.4. **Notification:** Tri NZ will inform all Nominated Athletes whether or not they have been selected by the NZOC to the NZ 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 another Athlete to the NZOC in accordance with this Nomination Criteria.

## 10. Appeals

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- 10.1. **Non-Nomination Appeal:** An Athlete may appeal to Tri NZ against their non-nomination in accordance with the Tri NZ Rio Nomination Appeals Policy.
- 10.2. **Non-Selection Appeal:** An Athlete may appeal to NZOC against their non-selection in accordance with the NZOC Agreement.

## 11. Inconsistencies

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- 11.1. **Inconsistency:** In the event there is any inconsistency between this Nomination Policy and the NZOC Agreement, the NZOC Agreement 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 rules of the Event, this shall not be regarded as an inconsistency.

## 12. Amendments to this Nomination Policy

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- 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

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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 the NZOC Agreement.

13.2. **Athlete** means a person seeking nomination and selection in 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 6.1(b) of the NZOC Agreement.

13.4. **Athlete Application** means the application form which must be completed by any Athlete applying to be nominated and selected to the Games Team in accordance with Schedule A of the NZOC Agreement.

13.5. **DFSNZ** means Drug Free Sport New Zealand.

13.6. **Eligible Athlete** means an Athlete who meets the eligibility requirements in clause 3, unless specified otherwise.

13.7. **Event** means the men's triathlon event and the women's triathlon event at Games respectively, unless specified otherwise.

13.8. **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.

13.9. **Final Confirmation Date** means the time and date by which the NZOC is required to confirm entries for competition in the Games for an Event for a Selected Athlete.

- 13.10. **Games** means the Olympic Games to be held in Rio de Janeiro, Brazil from 5 to 21 August 2016.
- 13.11. **Games Team** means the New Zealand team of all the Athletes selected by the NZOC, and other personnel appointed by it, to attend the Games.
- 13.12. **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.
- 13.13. **ITU** means the International Triathlon Union being the international federation of Tri NZ.
- 13.14. **ITU Rio 2016 Olympic Games Qualification Criteria** means the ITU's Qualification System – Games of the XXXI Olympiad – Rio 2016 and/or ITU requirements for the Games.
- 13.15. **Nominated Athlete** means the Athletes which Tri NZ nominates to the NZOC, including those nominated subject to any conditions.
- 13.16. **Nomination Date(s)** 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. These dates may be changed by agreement of Tri NZ and the NZOC, and will be advised to all Athletes seeking nomination.
- 13.17. **Nomination Events** means the following races between 28 August 2014 to 15 May 2016:
- (a) any of the ITU World Triathlon Series races; and/or
  - (b) the 2015 ITU World Olympic Qualification Event.
- 13.18. **NZOC** means the New Zealand Olympic Committee Incorporated.
- 13.19. **NZOC Agreement** means the agreement setting out the Application, Nomination and Selection Process for the Rio 2016 Olympic Games which was agreed between Tri NZ and the NZOC on 20 January 2015. The template of this Agreement can be found at [www.olympic.org.nz](http://www.olympic.org.nz).
- 13.20. **NZOC Selection Policy** means the selection policy of the NZOC for the Games.
- 13.21. **Selection Date** means the date on which the NZOC publically announces which Nominated Athletes from Tri NZ have been selected to the Games Team.
- 13.22. **Selected Athlete** means an Athlete who is selected by the NZOC to the Games Team.
- 13.23. **Selectors** means the members of the Tri NZ Elite Selection Commission appointed by the Tri NZ Board in accordance with Selectors' Terms of Reference. The names of each of the Selectors are on the Tri NZ website.

- 13.24. **Selectors' Terms of Reference** means the terms of reference of the Tri NZ Elite Selection Commission dated June 2015, and as amended by the Tri NZ Board.
- 13.25. **Tri NZ** means Triathlon New Zealand Incorporated.
- 13.26. **Tri NZ Nomination Appeals Policy** means the nomination appeals policy attached as Schedule 1.
- 13.27. **Tri NZ Board** means the Board of directors of Tri NZ.
- 13.28. **Tri NZ HP Athlete Pathway** means the documents which set out the athlete pathway for men and women respectively which is part of the Tri NZ High Performance Programme for identifying, tracking and goal setting of athletes.
- 13.29. **WADA Code** means the World Anti-Doping Code published by the World Anti-Doping Agency.

## **SCHEDULE 1**

### **TRI NZ 2016 RIO OLYMPIC 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 the 2016 NZ Olympic Games Team.

The NZOC has agreed, pursuant to clause 11.3 of the NZOC NSO Application, Nomination and Selection Agreement Rio 2016 (Agreement) and by deed of variation between Tri NZ and the NZOC 19 August 2015, to a variation of the procedures set out in clause 11.2 of the Agreement which are supplanted by this Policy.

This Policy is adopted by the Tri NZ Board on 21 June 2015.

#### **Procedure**

Any Athlete who is eligible for consideration under clause 3 of the Tri NZ 2016 Rio Olympic Games Nomination Policy (Nomination Policy) may appeal against their nomination or non-nomination in accordance with the procedures set out below:

1. A Nomination Appeal may be made on any one or more of the following grounds:
  - 1.1. That the Nomination Policy was not properly followed and/or implemented;
  - 1.2. The Athlete was not afforded a reasonable opportunity to satisfy the Nomination Policy;
  - 1.3. The nomination decision was affected by bias;
  - 1.4. 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. The procedure for a Nomination Appeal shall then be as follows:
  - 2.1. An Athlete wishing to appeal must give written notice of appeal ("Notice of Appeal") to the Chief Executive of Tri NZ within 48 hours of being notified of the Elite Selection Commission's decision, stating:
    - 2.1.1. Full name and contact details;
    - 2.1.2. Tri NZ membership (TRIBE) number;
    - 2.1.3. The nomination or non-nomination they are appealing against;

- 2.1.4. The grounds of Nomination Appeal, with reference to those listed in clause 1, above;
      - 2.1.5. 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).
      - 2.1.6. 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.
    - 2.2. Within 48 hours of receipt of Notice of Appeal, the Chief Executive shall:
      - 2.2.1. Acknowledge receipt of the Nomination Appeal with the Athlete;
      - 2.2.2. Advise the Elite Selection Commission that a Nomination Appeal has been received;
      - 2.2.3. Make arrangements for the Tri NZ Ombudsman to process and hear the Appeal.
3. The role and powers of the Tri NZ Ombudsman are as follows:
  - 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:
    - 3.1.1. Review the nomination process in person, by telephone or by videotelephony as soon as possible and in any event no later than 10 days after the date the Notice of Appeal is received by the Chief Executive; and
    - 3.1.2. 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
    - 3.1.3. Hear the views and position of both the Athlete and the Elite Selection Commission prior to making a decision.
    - 3.1.4. 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.
    - 3.1.5. The Ombudsman will be provided with the support of a Tri NZ Executive to assist with administration, independent of any member of the Elite Selection Commission.
  - 3.2. Following review of Nomination Appeal, the Tri NZ Ombudsman may:
    - 3.2.1. Make recommendation 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

3.2.2. 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

3.2.3. Dismiss the Nomination Appeal.

3.3. Following the Tri NZ Ombudsman's review:

3.3.1. The Tri NZ Board will adopt as the outcome of the Nomination Appeal the Ombudsman's decision, as described in clause 3.2, above.

3.3.2. 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 of Tri NZ 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.

3.3.3. Such Nomination Appeals shall be determined by the Sports Tribunal in accordance with its Rules.

3.3.4. 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.

3.3.5. The decision of CAS will be final and binding on the parties.

3.3.6. No party to a Nomination Appeal may institute or maintain proceedings in any Court or Tribunal other than as specified in this Agreement.