

GymSports NZ Incorporated

Selection Regulation for International Events

Commencement Date:

12 August 2011

Issued 15 August 2011

Amended 13 December 2018

GymSports New Zealand Incorporated Selection Regulation for International Events

1. Objectives of this Regulation

- 1.1 The objectives of this Regulation are to clearly document and make available to all Athletes the process and Selection Criteria to be used by GymSports NZ in selecting Athletes and officials or International Events.
- 1.2 For the avoidance of doubt, where selection is made by the NZ Olympic Committee (NZOC) (i.e. Commonwealth Games and Olympic Games), the Nomination and Selection criteria of the NZOC would apply over this Selection Regulation.

2. Application of this Regulation

- 2.1 This Regulation is issued by the Board of GymSports NZ under Rule 24 of the Constitution.
- 2.2 This Regulation shall take effect from 15 August 2011.
- 2.3 This Regulation incorporates any pre existing selection guidelines, rules, documents or regulations and from the Commencement Date those documents will therefore be revoked.
- 2.4 This Regulation applies to all Members of GymSports NZ and all Athletes wishing to be considered for selection to International Events

3. Definitions

Athlete	means a competing gymnast who wishes to be considered for selection under this Regulation.
Board	means the Board of GymSports NZ as constituted under the Constitution.
Chief Executive	means the Chief Executive of GymSports NZ.
Commencement Date	means the date this Regulation came into force, namely 15 August 2011.
CAS	means the Court of Arbitration for Sport.

Constitution	means the Constitution of GymSports NZ Incorporated.
DFSNZ	means Drug Free Sport New Zealand.
FIG	means the Federation Internationale de Gymnastique which is the international federation governing Gymnastics sports.
FISAF	means the Federation of International Sports, Aerobics and Fitness Incorporated.
General Criteria	means the General Criteria as set out in clause 6.2.
Gymnastics sports	means the sports and/or activities of Aerobic Gymnastics, Men's Artistic Gymnastics, Women's Artistic Gymnastics, Rhythmic Gymnastics and Trampoline Gymnastics, as defined by the FIG.
GymSports NZ	means GymSports New Zealand Incorporated trading as Gymnastics New Zealand.
HPDAG	means the High Performance Development Advisory Group, composed of the persons appointed by the Board.
International Event	means gymnastics competition for which an individual is being selected to represent New Zealand
Member	means and includes the members of GymSports NZ as specified in the Constitution.
Official	means any person appointed by Gymnastics NZ to be one or more of the following roles: coach, judge, head of delegation, manager, assistant

manager, choreographer, chaperone, medical advisor, physiotherapist or other auxiliary support role required for the competition.

Selected Athlete means the Athlete who has been chosen by the Selectors to compete at an International Event.

Qualification Criteria means the criteria on which the Selectors shall make its selection decisions and includes the General Criteria (clause 6.2), and the applicable Specific Criteria (clause 6.3).

Selectors means the groups referred to in clause 4.0.

Specific Criteria means the Specific Criteria as set out in clause 6.3.

Sports Tribunal means the Sports Tribunal of New Zealand established under the Sports Anti-Doping Act 2006.

WADA means the World Anti-Doping Agency.

Unless specified otherwise, any other terms used in this Regulation shall have the meanings set out in the Constitution.

4. **Selectors**

4.1 **Delegation:** In accordance with clause 15.15 of the Constitution, the Board delegates its power to carry out the object of Gymnastics NZ to select representative Athletes, squads, and teams to the Selectors. Each group of Selectors are named in the qualification criteria published for each International Event.

4.2 **Composition:** The composition of the Selectors are as follows:

- a. Pinnacle events: a minimum of three (3) people appointed by the Board and named as the Gymnastics New Zealand Selectors;
- b. Performance events: Gymnastics New Zealand;

- c. Participation events: Code Technical Committees with ratification from Gymnastics NZ
- 4.3 **Chairperson:** A chairperson of the Gymnastics NZ Selectors shall be appointed by the Board from amongst the three (3) Selectors. In the event of a tied vote, the chairperson of the Board shall have a casting vote.
- 4.4 **Quorum:** The quorum for all meetings (including meetings held by teleconference) is two (2) Selectors.
- 4.5 **Application Process:** Any person seeking to be a Selector must make a written application to the Chief Executive by the specified date. GymSports Board Members may apply to be appointed to the Selection Committee but if they do so, they must remove themselves from any part in the deliberations or appointment by the Board of the Selection Committee, and any matters related to selection. Applications must be submitted within four (4) weeks of the request for applications, unless otherwise agreed by the Chief Executive. The Chief Executive will make a recommendation to the Board of the persons he/she considers suitable. The Board may call for further applications if it so wishes. The Board shall determine from amongst the applications which persons to appoint.
- 4.6 **Criteria for Appointment:** In considering the applications for appointment as a Selector, the Board shall appoint based on merit and in doing so shall take into account the following factors about the applicant:
- a. their prior experience as a selector;
 - b. their knowledge of, and experience in, the applicable gymnastics sports particularly at a high performance level;
 - c. their occupational skills, abilities, and experience;
 - d. their knowledge of, and experience in, High Performance sport generally;
 - e. their attention to detail and process;
 - f. the need for conflicts of interest to be minimised; and
 - g. their commitment to, and understanding of World High Performance levels.

- 4.7 **Conflicts of Interest:** If any Selector has, or considers, they may have, a conflict of interest in considering the selection or otherwise of an Athlete or Athletes to compete in an International Event he or she must declare such a conflict, or potential conflict, immediately to the Chief Executive. The Chief Executive shall decide whether the Selector is able to deliberate and/or vote on the selection or otherwise of that Athlete or Athletes and/or, if the nature and extent of the conflict is such that the Selector should be removed from the group of Selectors, to recommend such removal to the Board under clause 4.9.
- 4.8 **Term of office:** All Selectors will be appointed for a period of two (2) years or such other period as determined by the Board. If a Selector resigns during their term of office, the Board must appoint a replacement person for the balance of the term on the recommendation of the Chief Executive.
- 4.9 **Removal:** The Board may remove any Selector (either permanently or for such period as the Board considers appropriate), if the Board considers, in its sole discretion, that:
- a. the Selector has a conflict of interest which cannot be resolved to the Board's satisfaction by the Selection Committee;
 - b. there are circumstances which may give rise to a question of bias in the selection process;
 - c. the Selector has breached any GymSports NZ Code of Conduct and/or any GymSports NZ Regulation; or
 - d. the Board considers the Selector has brought GymSports NZ (including any employee, official or Member) into disrepute.
- Before removing any Selector from a group of Selectors, the Board must notify the Selector of its proposal to remove him/her and give the Selector an opportunity to make submissions on the proposed removal.
- 4.10 **Replacement Member:** If the circumstances in clause 4.9 occur, the Board shall appoint a replacement Selector for the balance of the term on the recommendation of the Chief Executive.
- 4.11 **Responsibilities:** The responsibilities of the Selectors are:

- a. to select the Athletes it considers should compete/ represent New Zealand at International Events in accordance with the applicable Selection Criteria and in accordance with this Regulation;
- b. to nominate to the NZOC the Athletes it considers should be selected to a team to compete in NZOC Events (Olympic Games and Commonwealth Games) in accordance with the applicable Nomination Criteria and in accordance with this Regulation;
- c. to follow the procedure set out in this Regulation;
- d. to keep all deliberations and discussions regarding selection matters confidential to the Selectors, unless authorised by the Chief Executive to disclose matters in accordance with this Regulation;
- e. to support and promote the Selection Criteria and processes for selection as set out in this Regulation; and
- f. to be positive advocates for Gymnastics NZ and all of its activities.

4.12 **Procedures:**

- a. The Selectors shall meet as and when required and on request by the chairperson, or the Chief Executive.
- b. The chairperson shall ensure that minutes (or records of correspondence) are taken of all meetings of the Selectors (including all meetings held by teleconference or other electronic means). All minutes are to be kept confidential to the Selection Committee, the Chief Executive, and the Board, unless otherwise agreed by the Chief Executive.
- c. The Selectors shall use its best efforts to achieve its decision by consensus however, if any decision is not unanimous, the decision of the majority of Selectors shall be sufficient.
- d. All public comments regarding the actual selection or non-selection of any Athletes to compete in International Events will be made by the Chief Executive as determined by the Chief Executive, and no other person, on behalf of GymSports NZ. For avoidance of doubt, this clause does not prevent any Selector publicly discussing the selection processes generally or the content of this Regulation, provided that such comments are consistent with and supportive of this Regulation, and approved prior by the Chief Executive.

- e. All discussions between a Selector(s) and an Athlete(s) regarding the actual selection or non-selection of an Athlete(s) to compete in any International Events shall only occur with the approval of the Chief Executive.

5. Eligibility for Selection

- 5.1 To be eligible for selection for International Events an Athlete seeking selection must first:
- a. Be a current and financial Club Member of GymSports NZ.
 - b. Be a New Zealand citizen.
 - c. Not have participated in any gymnastics sports outside of New Zealand without the prior written consent of Gymnastics NZ.
 - d. Not have participated in any gymnastics competition or activity that is not recognised by Gymnastics NZ, unless Gymnastics NZ provides written consent otherwise.
 - e. Not have participated in any gymnastics events or activities organised by non recognised organisations (i.e. FISAF or any affiliates of FISAF).
 - f. Not be in breach of the Sports Anti-Doping Act 2006 and/or the [anti-doping rules or policies of WADA](#) and/or Gymnastics NZ, nor have had a sanction imposed which has not been completed. For the purposes of this sub-clause a "breach" shall include:
 - i. an Athlete being under investigation for an alleged anti-doping rule violation under the provisions of the of the WADA and/or GymSports NZ anti-doping rules or policies; or
 - ii. a failure to comply with an Athlete's obligations under the WADA or GymSports NZ anti-doping rules or policies, even if such a breach does not result in an anti-doping rule violation; or
 - iii. an Athlete being suspended pending determination of an alleged anti-doping rule violation.

- g. Not be under any stage of a disciplinary process of FIG or GymSports NZ, including investigations and pending determination of the matter.
 - h. Athletes need to complete and sign the Intention to Travel form to be eligible for selection and return it to the Gymnastics NZ by no later than the date notified. The Selectors may in their discretion accept the application form after the due date.
- 5.2 If an Athlete is selected to an International Event the Athlete acknowledges and agrees that:
- a. s/he will be required to read, sign, return to Gymnastics NZ, and comply with the Gymnastics NZ Team Member Agreement, by the date specified;
 - b. s/he will be available for drug testing by DFSNZ and/or any other recognised drug testing authority, and must comply with the Sports Anti-Doping Rules made by DFSNZ and may be required to register with the World Anti-Doping Authority for out of competition testing, and to provide accurate and up-to-date whereabouts information in accordance with the World Anti Doping Authority Code; and
 - c. s/he must maintain a designated level of fitness and standard of competitiveness as set out in the Qualification Criteria and Gymnastics NZ Team Member Agreement.
- 5.3 Failure to comply with, or maintain compliance with, any part of clause 5.1 or 5.2 may result in the Athlete not being eligible for consideration for selection, or, if selected, from being removed from any selection.

6. Selection Criteria

- 6.1 The Selection Criteria for selection to International Events are made up of two parts as follows:
- a. the General Criteria which is applicable for all selections; and
 - b. the Specific Criteria (for a particular event) for selection to an International Event.
- 6.2 **General Criteria:** The General Criteria set out in this clause apply to all International Events. In addition to the applicable Specific Criteria, the

Selectors may take into account the following factors in considering the selection of an Athlete to any International Event:

- a. the results of the Athlete, (including consistency and trajectory of results) at the events (particularly internationally), competitions, and activities (such as camps and trials), over a period of twelve (12) months preceding the selection date or as set out in the qualification criteria;
- b. adequate fitness and a commitment to maintain a fitness and training programme as agreed with the applicable coach(es);
- c. demonstrated appropriate behaviour, including a commitment to training and attendance at training camps / sessions;
- d. demonstrated compatibility with others in a team environment;
- e. demonstrated compliance with the rules of events and competitions;
- f. understanding and respect when competing at any International Event, including respect for team members and officials;
- g. willingness to promote Gymnastics NZ in a positive manner;
- h. demonstrated ability to take personal responsibility for self and their results;
- i. proven ability to be reliable; and
- j. any other factor(s) that the Selectors consider relevant.

In considering any of the above factors, the Selectors may make such enquires of the Athletes seeking selection, or others, as it sees fit.

6.3 Specific Criteria: In addition to the General Criteria outlined above:

- a. Specific Criteria for each of the International Events will be developed by Gymnastics NZ.
- b. When selecting an Athlete(s) to an International Event the Selectors shall follow the Specific Criteria as set out in the appropriate Qualification Criteria.
- c. In any decision regarding the selection of Athletes to an International Event, the Selectors may, in their sole discretion, take

into account any Extenuating Circumstances in accordance with clause 7.

- d. There is no obligation on the Selectors to fill any or all of the available places on an International Event.
- e. The Selectors may, in their discretion, add to, or remove, any Athlete from competing at an International Event at any time based on the Selection Criteria.
- f. The Selectors may give weight to any one or more of the factors specified in the Selection Criteria and no particular factor shall be weighted more or less significantly by reason only of the order in which that factor appears in the Regulation.
- g. The decisions of the Selectors in respect of selection of Athletes to compete at an International Event are subject to approval by Gymnastics NZ.
- h. The Selectors may, in their discretion, provide reasons for their decisions, but there is no obligation to do so.

7. Extenuating Circumstances

- 7.1 In considering the selection of Athletes in accordance with this Regulation the Selectors may in their sole discretion, give weight to any extenuating circumstances which 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.
- 7.2 Athletes unable to compete at events, trials, or other attendances required under this Regulation, must advise the Technical Committee 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 Technical Committee is not

notified of any extenuating circumstances, then the Selectors have no obligation to rely on such circumstances.

- 7.3 In the case of injury or illness, Athletes may be required by the Selectors to provide a medical certificate and/or undergo a medical examination by a medical practitioner/s nominated by Gymnastics NZ, 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.
- 7.4 In the case of any extenuating circumstance/s, the Selectors will make a decision on a case by case basis.

8. Notification of Selection

- 8.1 Once the Selectors have determined the Athletes to be selected for the International Event the selected athletes will be named through a team announcement, distributed directly to all athletes who submitted an Intention to Trial and published on the Gymnastics NZ website.

9. Reviews and Appeals

- 9.1 **Grounds:** An Athlete who is not selected to compete at an International Event may only appeal such a decision on any one or more of the following grounds:
- a. the Selection Criteria has not been properly followed and/or implemented;
 - b. the decision not to select the Athlete was affected by actual bias;
 - c. there was no material on which the decision to select the other Athletes in the team could be reasonably be based.
- 9.2 **Process:** An appeal must be made by the following process:
- a. The Athlete must notify the Chief Executive in writing of his or her wish to appeal ("Notice of Appeal"). This notice must be sent by email, and must be received by the Chief Executive within forty-eight (48) hours of the public announcement in clause 8.1.
 - b. The Notice of Appeal must set out the following:

- i. the decision of the Selectors in question;
 - ii. the grounds on which the appeal is made; and
 - iii. the reasons or circumstances supporting the alleged grounds of appeal.
- c. On receipt of the Notice of Appeal, the Chief Executive shall as soon as practicable convene a “without prejudice” and confidential meeting with the chairperson of the Selectors (and/or another applicable Selector), the Athlete, their parent/guardian (if under 18 years) and their authorised representatives (if any). The purpose of such a meeting is to allow the Selectors to explain the selection decision and to discuss the concerns of the Athlete. Any person participating in the meeting may, with the agreement of the other parties to the meeting, ask any other person(s) who has been involved or connected with the selection decision (including other applicable Selectors) to contribute to the meeting. Any such participants must agree to be bound by the without prejudice and confidential basis of the meeting.
- d. If the Athlete is not satisfied with the outcome of the meeting in clause 9.2c, he or she may appeal the decision by submitting it to the Sports Tribunal. Such an appeal must be filed with the Tribunal within five (5) working days of the date of the meeting in clause 9.2c and copied to the Chief Executive. The appeal shall be conducted in accordance with the rules of the Sports Tribunal.
- e. The decision of the Sports Tribunal shall be final and binding on the parties. No party may institute or maintain proceedings in any other Court or Tribunal other than as specified in this Regulation.

10. Removal / Withdrawal from Selection

- 10.1 A Selected Athlete may be withdrawn from the Event by the Chief Executive if s/he:
- a. breaches or fails to comply with this Regulation or any term of the Gymnastics NZ Team Member Agreement;
 - b. breaches or fails to comply with:

- i. the GymSports NZ Constitution;
 - ii. the Regulations and policies of GymSports NZ (including committing any violation of the Sports Anti-Doping Rules);
 - iii. the rules of any event, competition or activity in which the Athlete has been selected to participate;
 - iv. any reasonable instruction or request by the Chief Executive, of the applicable coach(es);
- c. brings him/herself, another Athlete, an official, Gymnastics NZ, or gymnastics generally, into disrepute;
 - d. has a significant illness or injury which in the opinion of the Selectors will prevent the Athlete from continuing to meet the Selection Criteria on which he or she was selected; or
 - e. fails to consistently maintain the level of performance and/or results or to maintain any one or more of the General Criteria set out in the clause 6.2.
- 10.2 Before notifying a Selected Athlete under clause 10.1, the Chief Executive shall notify the Selected Athlete and their parent/guardian (if under 18 years of age) of the alleged breach or grounds on which it is proposed to withdraw the Selected Athlete. The Selected Athlete will be given a reasonable opportunity to provide reasons as to why he or she should not be withdrawn, and if the Chief Executive considers it appropriate, s/he may grant the Athlete time to show improvement (in accordance with any conditions the Chief Executive considers appropriate).
- 10.3 A Selected Athlete may withdraw from being selected to an International Event by informing the Technical Committee of this decision in writing.
- 10.4 If a Selected Athlete is withdrawn from selection, the Selectors (or in cases of urgency, the applicable coach(es) and the Chief Executive or his/her nominee) may select another Athlete who, in the opinion of the Selectors, meets the Selection Criteria.

11. Amendments to this Regulation

- 11.1 This Regulation, including the Specific Criteria and any Schedules, may be amended or supplemented from time to time by the Board.

- 11.2 The Board will give as much notice as possible of any amendment/s or supplement/s to this Regulation, to persons affected by any such amendment/s or supplement/s.