

# Selection Regulations

## PART 1 – INTRODUCTION

### 1. INTRODUCTION

**1.1 Scope:** These Regulations set out NZWP's Selection process for all NZWP New Zealand National Squads; and NZWP Teams to represent New Zealand at international events.

**1.2 Selection Policy:**

(a) Each NZWP New Zealand Team will also have its own Selection Policy. You should read both these Regulations and the Selection Policy relevant to the NZWP New Zealand Team for which you wish to be Selected. Each Selection Policy will set out the Process that applies and will follow the format set out in Appendix 2 of these Regulations.

(b) The Selection Policies will be published on NZWP's website and NZWP shall have no other responsibility to notify the terms of the Selection Policies to any party. It is the responsibility of all Athletes who wish to be Selected to familiarise themselves with these Regulations and the relevant Selection Policy.

**1.3 Aims:** These Regulations and the NZWP Selection Policies have the following aims:

(a) to give Athletes opportunities to develop and to achieve their goals in international competition;

(b) to Select Athletes for teams that have the best opportunity of achieving excellence for New Zealand in international competition;

(c) to provide fair and transparent Selection processes and decisions; and

(d) any additional aims as set out in the relevant Selection Policy.

**1.4 Selection process:** The Selectors may Select Athletes who:

(a) meet all of the Eligibility Criteria (see clause 4); and

(b) are in a National Squad and perform at the nominated observation events and/or Trial/s; and

(c) the Selectors consider meet the Performance Criteria (see the relevant Selection Policy), subject to having consideration to any relevant Factor(s) (see clause 8) and any Exceptional Circumstances (see clause 10).

**1.5 Definitions:** Where a word is capitalised it will have a definition. Definitions can be found in Appendix 1 of these Regulations.

**1.6 No precedent:** The Selectors and the Head Coaches have the power under these Regulations and the relevant Selection Policies to make objective and subjective assessments in making their decisions and to weight each assessment on a case-by-case basis, without in any way creating precedents relevant to future Squad or Team Selection decisions.

**1.7 Format:** These Regulations contain some headings and text in italics. Any heading or text in italics is intended for the purpose of explanation and/or clarity and is not a binding part of these Regulations.

## **2. SELECTORS**

**2.1 Appointment:** The NZWP Board will appoint Selectors according to the NZWP Selectors' Terms of Reference. The names of the Selectors will be published on the NZWP website.

**2.2 Role:** The Selectors' role is as follows:

(a) during the Selection Process, to ensure that all Athletes who meet the Eligibility Criteria have been fairly considered in the Selection process, and in particular to:

(i) supervise the Trial Process; and

(ii) supervise the Selection Processes for Athletes by consulting with the relevant Head Coach to ensure that he/she has:

(aa) followed the procedures set out in these Regulations and in the relevant Selection Policy; and

(bb) considered only the permissible Factors set out in these Regulations and the relevant Selection Policy; and

(b) during the Selection process to determine whether Squad Athletes meet the Performance Criteria set out in the relevant Selection Policy, using the list of Factors set out in clause 8.2.

**2.3 Supervision:** Selectors need not necessarily attend Trial or observation activities in person to satisfy the requirement in clause 2.2(a) to "supervise" these activities.

**2.4 Requests for information:** In order to fulfil their role as set out in clause 2.2(a)(ii), Selectors may make the following enquiries of the Head Coach, which the Head Coach must answer as soon as reasonably possible and within 3 working days:

(a) require the Head Coach to provide written or verbal statements or clarifications regarding any proposed or completed Selection Process;

(b) require the Head Coach to provide any relevant information or data from any training, testing, Assessments or Trials;

(c) request information from the Head Coach for the purpose of considering whether the Head Coach has any actual or perceived bias or conflict of interest.

**2.5 Powers:** In the event that the Selectors, in supervising the Selection Process as required by clause 2.2(a)(ii), are not satisfied that all Athletes who meet the Eligibility Criteria have been fairly considered, they may, in their sole discretion:

(a) require the Head Coach to provide additional reasons for any Selection until such time as the Selectors are satisfied that Athletes have been fairly considered; and/or

(b) refer the Head Coach's Selection back to the Head Coach for reconsideration; and/or

(c) require the Head Coach to run additional Assessments in order to gather or validate data; and/or

**2.6 Selectors' Power to Address Head Coach Bias or Conflict of Interest:** In the event that the Selectors consider that the Head Coach has any actual or perceived bias or conflict of interest in respect of one or more Events, the Selectors shall recommend in writing to the CEO that the Head Coach should be replaced, only for the specific Event(s) and only for the purpose of the specific Selection Policy, by another NZWP coach or by the Convenor of Selectors. The CEO has full and final discretion to determine whether to grant this request, and must provide reasons in writing to the Selectors.

**2.7 Change of Selectors:** The NZWP Board reserves the right to change a Selector at any time in its absolute discretion

## **PART 3 - FUNDING**

### **3. FUNDING**

3.1 An Athlete who achieves Selection to a NZWP New Zealand Team is not automatically entitled to any Funding Support unless this is provided in the relevant Selection Policy.

## **PART 4 - ELIGIBILITY**

### **4. ELIGIBILITY**

**4.1 Eligibility Criteria:** To be eligible for Nomination and Selection, an Athlete must complete an Athlete Application (available on the NZWP website) by the Application Date and

(a) be, and continue to be, a New Zealand citizen as described in the Citizenship Act 1977;

(b) be a current financial member of a member club of NZWP;

(c) not have any outstanding liabilities to NZWP;

(d) meet the age requirements for the relevant Category as specified in the Event Competition Rules;

(e) not be ineligible, disqualified, suspended or under investigation for any breach or violation of, nor to have breached or violated and serving a period of ineligibility under:

(i) the NZWP Constitution, the NZWP Regulations, the NZWP Competition Rules or the Event and FINA Rules;

(ii) the NZWP Anti-Doping Regulations, the Sports Anti-Doping Rules, Sports Anti-Doping Act 2006, the FINA Anti-Doping Regulations, or the World Anti-Doping Code; or

(iii) any rules, regulations or statutes of the FINA, the International Olympic Committee, the New Zealand Olympic Committee or the World Anti-Doping Agency;

(f) not have 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 NZWP Anti-Doping Regulation, the Sports Anti-Doping Rules 2018, the FINA Anti-Doping Regulations, or the World Anti-Doping Agency Code;

(g) not be under investigation for, charged with, or convicted of any criminal offence, unless any sentence imposed has been served by the Athlete;

(h) meet eligibility criteria to compete for New Zealand as specified in the FINA Competition Rules (section 3) and any Event criteria. For the Olympic Games, the Olympic Charter rules will be applied in respect of nationality.

(i) adhere to and not be in dispute under any form of match fixing or corruption :

<https://sportnz.org.nz/media/4236/new-zealand-policy-on-sports-match-fixing-and-related-corruption-1.pdf>

**4.2 No consideration:** An Athlete is only eligible for Selection if that Athlete has met all of the Eligibility Criteria above and any additional criteria in the relevant Selection Policy.

## **PART 5 – SQUAD AND TEAM SELECTION**

### **5. SQUAD SELECTION**

**5.1 Earning Squad Selection** for an Event does not automatically result in Team Selection – once an Athlete is included in the relevant Squad, Selectors must assess that Athlete against the Performance Criteria set out in the relevant Selection Policy. In summary the Selection Process is as follows - (subject to Exceptional Circumstances):

**5.2 The Selectors** will supervise the Trial Process to ensure, as far as possible, that Athletes have the opportunity to compete for Team Selection in fair circumstances, the Selection Process includes consulting with the relevant Head Coach to satisfy themselves that he/she has followed the Selection Process set out in the relevant Selection Policy, and that he/she has properly and appropriately only considered the permissible Factors set out in these Regulations and the relevant Selection Policy.

## 5. TEAM SELECTION

**5.3 Selection Process:** The Selection Process for Athletes is set out in the relevant Selection Policy. The relevant Head Coach will provide detailed information on the squad and in consultation with the Selectors a selection decision will be made .

**5.4 Pre-conditions:** NZWP may set certain pre-conditions to Selection, which will be listed in clause 3.1 of the relevant Selection Policy.

**5.5 Selection Factors:** The relevant Head Coach, in consultation with the Selectors, may consider any one or more of the following factors in his/her absolute discretion:

(a) the aims of the relevant Selection Policy;

(b) Athlete results and performances in past national and international competitions and analysis of such results and performances against World best performances in past international competitions (over a [5] year period or such other period as the relevant Head Coach may determine in his/her absolute discretion);

(c) any performance data, test results and any other assessments of the Athlete undertaken by, or on behalf of, NZWP at any time including but not limited to those obtained in a NZWP Squad;

(d) the conditions in which any assessments, results and performances were obtained, such as, but not limited to, refereeing, behaviours, opposition, other team members and tournament workloads;

(e) the results of Squad testing on one or more occasions (in a format to be determined by NZWP and the relevant Head Coach) during training sessions or specially designated trials;

(f) the technical abilities of the Athlete in a Team, and/or the physical or technical compatibility between an Athlete and other Athletes in the Team;

(h) the Athlete's development potential and being able to provide an Athlete with development opportunities and experience at international competitions;

(i) the goals and/or strategy of the relevant NZWP campaign;

(j) the Athlete's ability to contribute positively to the New Zealand team environment, by reference to his/her attendance record, attitude, relationships with other Athletes and NZWP Squad and NZWP New Zealand Team support personnel, and conduct at competitions (including international tournaments), training sessions, training camps, trials and any other activities held by NZWP or a member club of NZWP at any time;

(k) the relationships of the Athlete to train and compete with other Athletes being considered for Selection in the Team; and

(l) any additional Selection Factors set out in the relevant Selection Policy.

**5.6 Relevance and weighting:** The relevant Head Coach, in consultation with the Selectors, shall determine the relevance (if any) and weight that he/she wishes to place on any Selection Factor(s)

as he/she considers appropriate. No particular Selection Factor shall be weighed more or less significantly based on the order in which it appears in these Regulations, unless expressly specified otherwise.

## **6. SELECTION DECISION:**

### **6.1 Selectors and NZWP process:**

(a) The Selectors shall make the Selection Decision by the Selection Date.

(b) The Selection Decision will be published on the NZWP website by no later than 5pm on the Selection Date. The intention is to notify athletes of selection or non-selection decisions on the Selection Date by phone or via email.

(c) NZWP (after consultation with the Selectors), or the Selectors, may decide not to Select, enter a team or send any Athlete to any one or more of the Specified Events at their absolute discretion.

### **6.2 Consequences of Selection:**

(a) Athletes must complete, sign and return the Athlete Agreement to NZWP within 10 working days of being notified of Selection, unless such Athlete has already done so.

(b) NZWP may only extend the date in clause 9.3(a) where an Athlete has made an application for consideration of Exceptional Circumstances to the CEO as soon as possible and within 24 hours of the Exceptional Circumstances arising. The CEO shall decide whether or not to grant such an extension in his or her discretion, acting reasonably. The CEO will communicate his or her decision to the Athlete concerned by email as soon as practicable after his or her decision has been made.

**6.3 Suspension or removal from Selection:** An Athlete who is Selected under these Regulations and the relevant Selection Policy may be suspended or removed from a NZWP Squad or a NZWP New Zealand Team at any time in accordance with the Athlete Agreement.

**6.4 Replacement Selection:** If an Athlete withdraws, or is suspended or removed from a NZWP Squad or NZWP New Zealand Team, NZWP may Select another Athlete to a NZWP New Zealand Team at any time in accordance with these Regulations and the relevant Selection Policy. In this event, NZWP may, in its discretion, waive or vary the Application Date set out at clause 4.1 of these Regulations and clause 1.6 of the relevant Selection Policy.

**6.5 Reserves:** The Selectors may Select additional Athletes to a NZWP New Zealand team to act as reserves. In doing so, the Selectors shall act according to the aims set out in these Regulations and the relevant Selection Policy.

## **PART 7 – EXCEPTIONAL CIRCUMSTANCES, APPEALS AND GENERAL**

### **7. EXCEPTIONAL CIRCUMSTANCES**

**7.1 Exceptional Circumstances:** If an Athlete experiences Exceptional Circumstances and wishes for these to be considered relevant in the Trial Process by the Selectors when making the Selection

Decision, the Athlete must apply to have such Exceptional Circumstances considered by following the process set out in this clause.

#### **7.2 Exceptional Circumstances in relation to a Trial, Trial Process or Selection Process:**

(a) If an Athlete experiences Exceptional Circumstances which affects his/her ability to fully participate in a Trial, the Trial Process and/or Nomination Process, the Athlete must notify the CEO by email as soon and possible and within 24 hours of the circumstances arising. The Athlete must provide full details of the Exceptional Circumstances and the effect or potential effect on the Athlete and his/her potential Nomination.

(b) The CEO shall decide whether or not to grant a dispensation for any event or criteria set out in the Trial, the Trial Process and/or Nomination Process at his/her discretion, acting reasonably. The CEO will communicate his/her decision to the Athlete concerned by email as soon as practicable after the decision has been made.

(c) Where the CEO has granted an Athlete a dispensation in respect of a Trial or the Trial Process for an Individual Specified Event, the Selectors may, in their sole discretion:

(i) reschedule one or more Trial Race(s), and if necessary extend the Selection Date;

(ii) modify the format of the Trial Process; or

(iii) take no action;

provided that, in exercising this discretion, the Selectors must act in a way that is consistent with the aims of these Regulations and the relevant Selection Policy.

(d) Where the CEO has granted an Athlete a dispensation in respect of a Selection Process for a Specified Event, the relevant Head Coach shall, in consultation with the Selectors, consider the Exceptional Circumstance when making his/her Selection.

(e) An Athlete must meet all of the criteria set out in the applicable Trial and/or Nomination Process, unless the CEO has granted a dispensation under this clause 10.2.

#### **7.3 Exceptional Circumstances in relation to Performance Criteria and / or Performance Factors:**

(a) If an Athlete experiences Exceptional Circumstances and considers that they may be applicable to the Performance Criteria and / or the Performance Factors, the Athlete may submit an application for these Exceptional Circumstances to be considered to the CEO as soon as possible and within 24 hours of the Exceptional Circumstances arising. The Athlete must provide full details of the Exceptional Circumstances and the effect or potential effect on the Athlete and his/her potential Selection.

(b) The CEO shall refer any claim for Exceptional Circumstances that is submitted under this clause 10.3 to the Selectors. The Selectors shall consider the Exceptional Circumstances in relation to the Performance Criteria and / or Performance Factors when making the Selection Decision.

**7.4 Medical examination:** If an Athlete applies for Exceptional Circumstances to be considered under this clause 10, the Selectors may request that the Athlete undertakes a medical examination.

The medical examination will be undertaken by a medical practitioner Nominated by NZWP and at NZWP's cost to provide the Selectors with a report on the Exceptional Circumstances. If a medical examination is undertaken, the report from that examination must be considered by the Head Coach or Selectors (as applicable) in making the Selection Decision.

**7.5 Consideration:** In exercising discretion in an application for Exceptional Circumstances, the CEO, the relevant Head Coach and the Selectors may consider the following factors (where applicable):

- (a) severity and duration of the Exceptional Circumstances;
- (b) potential impact in the short term and long term that participating in competitions (including international tournaments), training sessions, training camps, trials and any other activities will have on the Athlete's wellbeing and performance;
- (c) documented evidence (e.g. medical records)
- (d) the Athlete's responsiveness to overcome any illness or injury with urgency;
- (e) performance standards achieved in recent competitions;
- (f) standard of proof in substantiating the Exceptional Circumstances; and
- (g) any other factor or circumstance that the Selectors consider relevant.

**7.6 No consideration:** The relevant Head Coach or the Selectors shall not consider any Exceptional Circumstances when making the Nomination or the Selection Decision, unless an Athlete has made an application for, and been granted dispensation for, Exceptional Circumstances under this clause 10.

## **8. APPEALS**

**8.1** This clause sets out the procedure which an Athlete must follow if he or she wishes to bring an appeal against a Selection Decision.

- (a) The Athlete must notify the CEO in writing of his/her wish to bring an appeal against the Selection Decision within two working days of the Selection Date.
- (b) An Athlete may bring an appeal against a Selection Decision on one or more of the following grounds (but no other grounds):
  - (i) these Regulations and the relevant Selection Policy has not been properly followed and/or implemented;
  - (ii) the Athlete was not afforded a reasonable opportunity to meet the requirements in these Regulations and the relevant Selection Policy;
  - (iii) the decision not to Select the Athlete was affected by actual bias; and/or
  - (iv) there is no material on which the decision not to Select the Athlete could reasonably be based.



(c) The CEO shall arrange and attend a meeting with the Athlete as soon as practicable to explain the reasons for the Selection Decision.

(d) Within 2 working days from the date of the meeting held in sub-clause (b) above, the Athlete must notify the CEO if he or she wishes to continue the appeal against the Selection Decision and proceed to mediation. If no notice is given in this time period, then there is no further right to bring an appeal against the Selection Decision.

(e) If the Athlete has given notice in accordance with sub-clause (c) above that he or she wishes to proceed to mediation, the CEO shall appoint an independent qualified mediator to convene a mediation between NZWP and the Athlete. The mediation will be held as soon as possible and if practicable within 10 working days of the CEO receiving the notice requesting mediation. The costs of the mediation (including the mediator) shall be met by NZWP, but the Athlete shall meet any costs associated with his or her, and any of his or her support person's, attendance at the mediation.

(f) Within 2 working days from the date of the mediation held in sub-clause (d) the Athlete must notify the CEO in writing if he or she wishes to continue the appeal against the Selection Decision and must file and serve on NZWP and the Sports Tribunal of New Zealand, a notice of the appeal in the form and manner specified in the rules of the Sports Tribunal of New Zealand. If no notice is given in this time period, then there is no further right to bring an appeal against the Selection Decision.

(g) Thereafter, the appeal shall be conducted in accordance with the rules of the Sports Tribunal of New Zealand.

(h) There is a further right of appeal from a decision of the Sports Tribunal of New Zealand to the Court of Arbitration for Sport, in accordance with the rules of the Sports Tribunal of New Zealand.

## 9. GENERAL

9.1 **Status:** These Regulations and the relevant Selection Policy overrides any correspondence, discussions and representations (whether written or oral) by NZWP regarding the Selection process.

9.2 **Amendment:** These Regulations and any Selection Policy may be amended at any time with approval of the NZWP Board, except that any amendments of a minor or non-technical nature may be made with approval of the CEO. Amendments and a revised document will be published on the NZWP website.

9.3 **Priority:** NZWP may vary these Regulations in a relevant Selection Policy, but any inconsistency between these Regulations and the relevant Selection Policy must be expressly provided for in the relevant Selection Policy. To the extent of any other inconsistency between these Regulations, the relevant Selection Policy and the Athlete Agreement, the order of priority shall be:

(a) these Regulations;

(b) the relevant Selection Policy; and

(c) the Athlete Agreement.

9.4 **Other:** If there is any circumstance or situation which arises, which is not expressly provided for under these Regulations or the relevant Selection Policy, or which is not addressed by amendment to these Regulations by the NZWP Board, it shall be decided by the Selectors in their discretion in accordance with the aims of NZWP as set out in clause 1.3 of these Regulations.

## **APPENDIX 1**

### **Definitions**

In these Regulations and a Selection Policy, where a word is capitalised, the following definitions apply:

**Age Category** means U18, U20, Open or Masters, as defined in the FINA Competition Rules

**Athlete** means an athlete who is seeking Selection to be a member of a NZWP Squad and / or a member of a NZWP New Zealand Team.

**Application Date** means the date by which Athletes must complete the Athlete Application as set out in clauses 1.5 and 1.6 of the relevant Selection Policy.

**Athlete Agreement** means a written agreement between NZWP and a Selected Athlete which sets out the rights and obligations of the Selected Athlete and NZWP while the Athlete is a member of a NZWP Squad and / or a member of a NZWP New Zealand Team.

**Athlete Application** means the application form (available on the NZWP website) which must be completed by every Athlete wishing to be considered for Selection to be a member of a NZWP Squad and / or a New Zealand Team.

**CEO** means the Chief Executive Officer of NZWP (or if the CEO determines, the CEO's "nominee", being the NZWP High Performance Director or any other person whom the CEO delegates specific responsibility.

**NZWP** means New Zealand Water Polo Association Incorporated.

**NZWP Competition Rules** means the rules of NZWP that govern water polo events that are sanctioned by NZWP.

**NZWP New Zealand Team** means an Athlete or group of Athletes and/or Teams Selected to represent New Zealand at international events.

**NZWP Squad** means the U18, U20 or Senior Squad, in each case as Selected by NZWP.

**Eligibility Criteria** means the criteria listed in clause 4.1 which an Athlete must meet in order to be eligible for Selection.

**Event(s)** means a Tournament (for example FINZ Junior Worlds, FISU Games etc)

**Exceptional Circumstances** means exceptional or very unusual circumstances and may include any one or more of the following:

(a) injury or illness;

(b) equipment failure;

(c) travel delay;

(d) bereavement; or

(e) any other extraordinary factors reasonably considered to cause, or be likely to cause, an Athlete not to perform at their optimal level.

**Funding Support** means the level of financial and non-financial support provided to Athletes and / or Teams in respect of their Selection to a NZWP Squad and / or a NZWP New Zealand Team as set out in clause 1.4 of the relevant Selection Policy.

**Head Coach** means a lead coach appointed by NZWP as the leader of a program to coach Athletes and / or Teams. Head Coaches for relevant programs and/or disciplines will be listed on NZWP's website. In the event that there is no Head Coach listed on NZWP's website for a given program or Event, the Convenor of Selectors will fulfil the Head Coach's role for the purpose of these Regulations and the relevant Selection Policy.

**FINA** means the International Swimming Federation.

**Masters** means the Age Category as defined in the FINA Competition Rules.

**Performance Criteria** means the performance criteria which the Selectors may consider in making the Selection Decision as set out in clause 4 of the relevant Selection Policy.

**Performance Factors** means the factors listed in clause 5 (as applicable) which the Selectors may take into account in making the Selection Decision.

**Tournament** means a competition for which NZWP intends to select a New Zealand Team.

**Selectors** means those persons who have been appointed by NZWP to Select Athletes and Teams.

**Selection Date** means the date on which the Selection Decision must be made and announced as set out in clause 1.3 of the relevant Selection Policy.

**Selection Decision** means the determination of the Selectors that an Athlete is to be a member of a NZWP Squad and / or a member of a NZWP New Zealand Team in accordance with these Regulations and the relevant Selection Policy.

**Selection Policy** means the relevant policy regarding the Selection and performance criteria and funding for Selection to a particular NZWP New Zealand Team.

**Specified Event** means an event set out in clause 1.4 of the relevant Selection Policy.

**Trial** means a training or event used as part of a Selection Process for Specified Event/s, which may be either part of a national or international competition or a trial organised by NZWP.

**Trial Process** means the process for the Trial for a Specified Event as set out in the relevant Selection Policy.

**U18** means the Age Category as defined in the FINA Competition Rules.

**U20** means the Age Category as defined in the FINA Competition Rules.

## **APPENDIX 2**

### **Format of Selection Policy**

#### **NEW ZEALAND WATER POLO**

**SELECTION POLICY** – [insert Tournament and Events]

#### **1. INTRODUCTION**

1.1 **Aims:** NZWP's aim in selecting Athletes to compete in the [insert Tournament] is as follows:

(a)

1.2 **NZWP Selection Regulations:** You should read this Policy in conjunction with the NZWP Selection Regulations ("**Regulations**"). In particular, you should be aware of:

(a) the process you need to follow if you feel you have been affected by Exceptional Circumstances (see clause 7 of the Regulations); and

(b) the process you must follow if you wish to make an Appeal in respect of any aspect of the Selection process (see clause 8 of the Regulations).

1.3 **Definitions:** Where a word is capitalised it will have a definition. Definitions can be found in Appendix 1 of the Regulations.

1.4 **Tournament and Events:** This document sets what you need to do to be selected to compete in the [insert Tournament] in the following Events:

(a) **Specified Events** (see [clause 5 or clause 6] of the Regulations) **Event**