

**Cycling New
Zealand
Incorporated**

**Selection Regulation
for BMX Teams
2015/2016
(excluding 2016
Olympics)**

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CONTENTS

INTRODUCTION	3
PART A – GENERAL	3
1 Overview	3
2 Scope & Overall Purpose of this Regulation	3
3 Definitions	4
4 Eligibility	6
PART B – SELECTION CRITERIA	7
5 Selection of BMX Teams	7
6 Selection Process	8
7 Factors	8
8 Selection Trials	10
9 Extenuating Circumstances, Injury and Illness	10
10 Consequences of Selection	11
11 Replacement Rider(s)	12
12 Selection for the Start List.....	12
13 Appeals	13
SCHEDULE 1 – BMX EVENTS	15
Schedule 2 – Rider Application Form	16

INTRODUCTION

This Regulation is in two parts. Part A sets out the background and procedure for the selection of riders to all Cycling New Zealand BMX Teams for 2015/16. Part B sets out the selection process for BMX Teams

PART A – GENERAL

Part A of this Regulation sets out the overview of the Regulation, how the Regulation can be amended, the scope and purpose of the Regulation, and the eligibility requirements for riders seeking selection.

1 Overview

- 1.1 **Commencement:** This Regulation was adopted by the Board on 7 December 2015 in accordance with the Cycling New Zealand Constitution. It shall come into force on **7 December 2015** and will apply until 31 December 2016.
- 1.2 **Status:** Except where clause 2.3 (Exclusions) applies, this Regulation overrides all prior correspondence, discussions, and representations (whether written or oral) regarding selection to any BMX Team.
- 1.3 **Definitions:** Section 3 contains definitions for key terms used in this Regulation.
- 1.4 **Amendment:** This Regulation may be amended at any time by the Board. Amendments, or an updated copy of this Regulation, will be published on the Cycling New Zealand website or otherwise made available by Cycling New Zealand.

2 Scope & Overall Purpose of this Regulation

- 2.1 **Scope:** This Regulation sets out the selection procedure and criteria for to attend International BMX Competitions (other than the 2016 Rio Olympics) during the period from 7 December 2015 to 31 December 2016 (referred to as “2015/16” in this Regulation).
- 2.2 **Overall Purposes:** The overall purposes for selecting Riders to compete in the International BMX Competitions in 2015/16 are to:

- Qualify as many quota places as possible for the 2016 Rio Olympics;
- Qualify as many quota places as possible for the 2017 World BMX Championships;
- Provide riders with opportunities for competition at international level where the results and performances will assist Cycling New Zealand and the New Zealand Olympic Committee in deciding the Riders to be nominated and selected to the New Zealand Team for the 2016 Rio Olympics;
- Provide riders with opportunities for competition at international level in preparation for, and to assist in, achieving the objective of achieving as many medals as possible at the 2016 Rio Olympics; and,
- Provide riders with opportunities for competition to continue their development towards New Zealand winning medals at the 2020 Tokyo Olympic Games.

2.3 **Exclusions:** This Regulation does not apply to nomination or selection of riders to the Commonwealth Games or the Olympic Games, including the 2016 Rio Olympics. Cycling New Zealand and the New Zealand Olympic Committee has issued a Nomination Criteria for the 2016 Olympic Games¹ and will issue other specific selection documents for other competitions.

3 Definitions

3.1 In this Regulation, the following definitions apply:

2016 Rio Olympics means the 2016 Olympic Games to be held in Rio de Janeiro, Brazil

Age Group means the age group that applies to a rider and/or the Event for which selection is being undertaken, as determined in accordance with the UCI Regulations.

Athlete Agreement means the agreement governing the relationship between the rider and Cycling New Zealand as issued to the rider by Cycling New Zealand.

BMX CSE Events means Championship Selection Events, which is a series of races that may be organised by BMX NZ for Elite and Junior Men and Women to assist in selection.

BMX NZ means BMX New Zealand, which is a member organisation of Cycling NZ.

BMX Team means any group of riders selected under this Regulation to attend an International BMX Competition in accordance with this Regulation.

¹

<http://www.olympic.org.nz/system/files/attachments/Cycling%20Nomination%20Criteria%20for%20Rio%202016.pdf>

BMX Selection Panel means the Panel of people appointed by Cycling New Zealand to select riders in accordance with this Regulation

Board means the Board of Cycling New Zealand.

Chief Executive means the Chief Executive Officer of Cycling New Zealand.

Cycling New Zealand means Cycling New Zealand Incorporated.

Cycling New Zealand Constitution means the constitution of Cycling New Zealand.

Elite means men and women riders aged 19 years of age and over, as defined in the UCI Regulations.

Events means the standard 20 inch bicycle BMX race and time trial events held at International BMX Competitions.

Extenuating Circumstance means an inability to perform at an optimum level arising from any one or more of the following:

- injury or illness;
- equipment failure;
- bereavement or personal misfortune; and/or
- any other factor reasonably considered to constitute an extenuating circumstance.

Factors means the factors specified in clause 6.

High Performance Director means the person appointed to this position by Cycling New Zealand.

International BMX Competition means an international BMX cycling competition for which Cycling New Zealand is selecting a team, including those competitions specified in the Table in Schedule 1.

Junior means riders who are in the Under 19 Age Group as defined in the UCI Regulations.

National BMX Coach means the person appointed to this position by Cycling New Zealand.

Regulation means this regulation unless otherwise specified.

Rider Application Form means the application in the form set out in Schedule 2 which must be completed by every rider wishing to be considered for selection to any Team.

Selection Date for each International BMX Competition, means the date that Cycling New Zealand intends to announce selection of the relevant Team to attend that International BMX Competition, as indicated in the Table in Schedule 1 of this Regulation or as otherwise notified by Cycling New Zealand.

Sports Tribunal means the Sports Tribunal of New Zealand as described in the Sports Anti-Doping Act 2006.

Supercross means the BMX supercross events (race and time trial) on the UCI calendar.

UCI means the Union Cycliste Internationale.

UCI C1 and CC means the BMX events on the UCI calendar in the C1 and CC classes.

- 3.2 In these Regulations, unless the context otherwise requires, words in the singular include the plural and vice versa and words indicating the masculine, feminine or neuter gender include the other genders.

4 Eligibility

4.1 To be eligible to be considered for selection to a BMX Team a rider must:

- be a New Zealand citizen with a current New Zealand passport;
- be a member of Cycling New Zealand;
- have a current racing licence issued by Cycling New Zealand or another federation affiliated with the UCI, with the nationality marked as “NZL”;
- fully complete and return a Rider Application Form to Cycling New Zealand by the date specified unless alternative arrangements have been agreed with the High Performance Director;
- fully complete and return an Athlete Agreement to Cycling New Zealand by the date specified unless alternative arrangements have been agreed with the High Performance Director;
- attend any training sessions, training camps, trials and other events as required by Cycling New Zealand unless excused by the High Performance Director;

- not be under investigation for any breach or anti-doping rule violation of any part of the Sports Anti-Doping Act 2006, the Sports Anti-Doping Rules, the UCI Anti-Doping Regulations, or the WADA Code;
- not be under investigation for any breach of the Cycling New Zealand Constitution or any rule, regulation or requirement of Cycling New Zealand, or the UCI;
- not have any outstanding debts owed to Cycling New Zealand;
- not have acted in a manner so as to bring themselves, the sport of cycling, or Cycling New Zealand, into public disrepute;
- not have used or administered any substance which, if it had been detected as being present in the rider's body tissue or fluids, would have constituted doping, or used any prohibited method or committed any other doping offence as defined in the Cycling New Zealand anti-doping rules (which are the Sports Anti-Doping Rules), or the UCI's anti-doping rules;
- have provided Cycling New Zealand with key contact details for communication purposes (including a current physical address, email address, and telephone number); and
- be eligible to represent New Zealand at the applicable International Track Competition(s) for which the Team is being selected, including complying with any applicable age restrictions, which status is to be determined in accordance with the rules of the applicable competition(s).

4.2 **No Consideration:** If a rider does not meet all of the eligibility requirements specified above the rider cannot be considered for selection under this Regulation.

PART B – SELECTION CRITERIA

Part B of this Regulation sets out the process and general criteria for selection to BMX Teams for the International BMX Competitions being held during 2015/16.

5 Selection of BMX Teams

5.1 **BMX Selection Panel:** Cycling New Zealand has a BMX Selection Panel appointed by the Board. The BMX Selection Panel is responsible for deciding on the selection, or otherwise, of riders to BMX Teams in accordance with this Regulation.

- 5.2 **Events:** Unless Cycling New Zealand decides otherwise, a BMX Team will be selected (by the Selection Dates) to attend the International BMX Competition specified in **Schedule 1**.
- 5.3 **Additional Competitions:** Without limiting the Board's power under clause 3.4 (Amendment), the High Performance Director may, in his sole discretion, decide to send BMX Teams to compete in additional International BMX Competitions. If this occurs the BMX Selection Panel will be responsible for selecting riders to those BMX Teams. The selection process will be as specified in clause 6 of this Regulation.
- 5.4 **Selection Date:** The Selection Date listed in the Schedule 1 may be changed by the High Performance Director (without amendment to this Regulation) if competition dates or other factors arise which necessitate changes to those dates. Any changes in the Selection Date, will be published on the Cycling New Zealand website or otherwise notified by Cycling New Zealand to riders who have returned a Rider Application Form.
- 5.5 **Composition:** The composition of any BMX Team will be determined by the Cycling New Zealand BMX Selection Panel, in accordance with the rules of the applicable International BMX Competition and any other requirements of Cycling New Zealand.

6 Selection Process

- 6.1 **Criteria Overview:** In deciding which riders to select for any BMX Team, the BMX Selection Panel must:
- only consider riders who have met the requirements in clause 4 (Eligibility)
 - take into account the overall purpose specified in clause 2.2; and
 - consider:
 - (i) any one or more of the Factors in accordance with clause 7, and with the weighting specified in clause 7.2; and
 - (ii) any Extenuating Circumstance or injury, illness or other matter affecting the fitness of riders, in accordance with clause 9.
- 6.2 **Relevance & Weight:** The BMX Selection Panel may determine the relevance (if any) that it wishes to place on any Factor(s) and any Extenuating Circumstance(s) as it considers appropriate. No particular Factor shall be weighed more or less significantly based on the order in which it appears in this Regulation, unless expressly stated otherwise.

7 Factors

7.1 **General:** The BMX Selection Panel shall take into account, in its discretion, any one or more of the following factors in making decisions about selection of a rider to any BMX Team:

- the likelihood (in the opinion of the BMX Selection Panel) that the Rider could contribute towards qualifying New Zealand for a place at the 2016 Olympic Games;
- any of the result(s) and performance(s) of the rider at any national and/or international competitions, with priority given to results and performances in the 12-month period prior to the applicable Selection Date;
- any of the result(s) and performance(s) of the rider at training, including testing and assessments undertaken, and on and off the bike, and including tracking against international level riders, with priority given to results and performances in the 12-month period prior to the applicable Selection Date;
- any of the result(s) and performance(s) of the rider at any training camps, trials or other events held by Cycling New Zealand, with priority given to those results and performances in the 12-month period prior to the applicable Selection Date;
- the priorities of Events as set out in the Cycling New Zealand Strategic Plan;
- the ability and attributes of the rider to train and be with other riders in the team;
- the rider's UCI ranking and results in the 12 month period prior to the applicable Selection Date;
- the rider's UCI Olympic Qualification Ranking;
- the rider's attendance, attitude, and conduct at past competitions, training sessions, training camps, trials and other events;
- the technical, physical and mental skills of the rider which are relevant to the nature of the course and the environment of the applicable International BMX Competition;
- any other information the BMX Selection Panel considers is relevant.

7.2 **Weighting:** The BMX Selection Panel will put more weight on any results and performances of a rider in the following events in the 12 month period prior to the Selection Date, (which may or may not include ranking points) which are listed in priority order:

- for Men's Elite and Women's Elite;
 - i. Supercross results and performances;

- ii. UCI C1 and CC event results and performances;
- iii. BMXNZ CSE results and performances;
- for Men's Juniors and Women's Juniors;
 - i. BMXNZ CSE results and performances;
 - ii. UCI C1 and CC event results and performances.

7.2 **Consideration of Conditions:** In considering any result(s) and performance(s) of a rider at any competitions, training sessions, training camps, trials or any other Cycling New Zealand events, the BMX Selection Panel may, but do not have to, take into account the conditions in which the results and performances were obtained (such as, but not limited to, the nature of the course, equipment used, weather, team composition and field of competition)

8 Selection Trials

8.1 **Holding a Trial:** To assist the BMX Selection Panel in selecting any BMX Team, the High Performance Director may (at any time after consultation with the BMX Selection Panel) decide to hold a selection trial (or trials). Trial(s) may be included as part of a training camp or otherwise as the High Performance Director, considers appropriate. The nature and format of any trial shall be decided by Cycling New Zealand in its discretion.

8.2 **Invitation to Trial:** The High Performance Director may invite any riders he considers appropriate to participate in any trial, provided that the riders are eligible to be considered for selection (under clause 4). The decision of the High Performance Director whether to invite a rider to the trial or not, is final and cannot be appealed. Riders will be given as much notice as possible of any trial, which will usually be not less than 14 days' notice unless the circumstances are such that a shorter period is necessary. If a rider agrees to participate in a trial he or she agrees to participate fully in the trial as requested by Cycling New Zealand.

8.3 **Injury or Illness:** If any rider is scheduled to participate in a trial and is ill or injured he or she must notify Cycling New Zealand of this in writing prior to the start of the trial.

9 Extenuating Circumstances, Injury and Illness

9.1 **Requirement to Notify Panel:** If a rider considers there is any Extenuating Circumstance that is relevant to his or her selection he or she must notify Cycling New Zealand of this in writing as soon as possible. The BMX Selection Panel may, in its discretion, take any notified Extenuating Circumstance into consideration in making its selection decisions.

9.2 **Injury/Illness:** If the BMX Selection Panel is aware of any injury, illness or other matter that may affect the fitness of a rider to perform to their best and/ or a claim for Extenuating Circumstances is not made in accordance with clause 9.1, the BMX Selection Panel may take such injury, illness or other matter affecting the rider's fitness, into account in considering the selection, or otherwise, of that rider. However before doing so, the BMX Selection Panel must first makes enquiry of the rider as to the status of the injury, illness or other matter affecting the rider's fitness, and, if the Panel wishes to do so, request a medical examination under clause 9.3, the outcome of which, it must also consider. The Panel may also request, and consider, any other information from the rider related to their injury, illness or other matter affecting the rider's fitness.

9.3 **Medical Examination:** In the case of any Extenuating Circumstance claim based on injury or illness, or at any other time where the BMX Selection Panel wishes to obtain further information about an injury, illness or the fitness of a rider of a rider to perform to their best, Cycling New Zealand may request (at its cost) the rider undergo a medical examination by a medical practitioner nominated by Cycling New Zealand and provide the opinion and/or report of that practitioner to Cycling New Zealand. If a rider is claiming Extenuating Circumstances, any failure to agree to such a request may result in the BMX Selection Panel not treating the injury or illness as an Extenuating Circumstance.

10 Consequences of Selection

10.1 **Requirements:** Every rider who is selected to a BMX Team must:

- train in accordance with any competition and training programmes, and at specified training venues, as directed by Cycling New Zealand; and
- agree to compete as a member of the Team as directed by Cycling New Zealand;
- comply with the terms of the Athlete Agreement signed by the rider; and,
- complete any other requirements specified by Cycling New Zealand.

10.2 **Suspension/Removal:** Any member of any BMX Team who does not continue to adhere to the requirements in clause 10.1 may, in the sole direction of Cycling New Zealand, be suspended or removed from the Team at any time. In addition, any rider may be suspended or removed from any BMX Team if he or she:

- fails to consistently maintain the level of performance and/or results in training and in competition as expected by Cycling New Zealand;
- breaches or fails to comply with this Regulation or the Athlete Agreement, or appears to have done so;

- breaches or fails to comply with any of the following, or appears to have done so:
 - (i) the UCI Constitution, UCI Regulations, or any other requirements of the UCI; or
 - (ii) the Cycling New Zealand Constitution, Regulations, or any other requirements or directions of Cycling New Zealand; or
 - (iii) the Sports Anti-Doping Rules, UCI Anti-Doping Regulations or the World Anti-Doping Code;
- brings him/herself, another rider, any Team, Cycling New Zealand, or the sport of cycling generally into disrepute; or
- has a significant illness or injury which the BMX Selection Panel considers is likely to prevent the rider from competing in the BMX Team.

10.3 **Natural Justice:** Cycling New Zealand will comply with the principles of natural justice in making any decision to suspend or remove a rider from any BMX Team.

11 Replacement Rider(s)

11.1 If a rider who has been selected to a BMX Team is suspended or removed from that BMX Team or is no longer eligible (see clause 4 – Eligibility), the BMX Selection Panel may, in its absolute discretion, select another rider to that BMX Team. Such selection is to be carried out in accordance with this Regulation (with any necessary adjustments as to timing).

12 Selection for the Start List

12.1 **Number of Riders:** The maximum number of riders to start in each Event at any International BMX Competition is determined in accordance with the permitted starting numbers/quotas set by the UCI.

12.2 **Selection for the Start List:** Once a BMX Team is selected, the High Performance Director and/or the National BMX Coach will determine which riders in the BMX Team will start in each Event at the International BMX Competition on the basis of their assessment of:

- the performances of the riders in training and competition leading up to the Event; and
- the allocation of the riders for other Events at that International BMX Competition.

13 Appeals

13.1 **Team Non-Selection – Appeal Grounds:** A rider may lodge an appeal against his or her non-selection to a BMX Team in accordance with clause 13.2 (Process) on one or more of the following grounds (but no other grounds):

- this Regulation has not been properly followed and/or implemented;
- the rider was not afforded a reasonable opportunity to satisfy the requirements in this Regulation;
- the decision not to select the rider was affected by actual bias; and/or
- there was no material on which the selection decision could reasonably be based.

13.2 **Process:** Any appeal must be made as follows:

- a. the rider must notify the Chief Executive in writing of his or her wish to appeal the decision within 48 hours from the date the selection or non-selection of the BMX Team for which the rider was seeking selection, was notified to the rider, or the date the BMX Team was publicly announced (whichever is the earlier);
- b. on receipt of such notice the Chief Executive shall, as soon as practicable, convene a confidential and “without prejudice” meeting between the Chief Executive (or his/her nominee), as many members of the BMX Selection Panel as are available, the rider, and the rider’s authorised representative (if any). The purpose of this meeting is to allow Cycling New Zealand to explain the selection decision and see whether the matter can be resolved by agreement;
- c. if the appeal is unresolved after the process in clause 13.2b is followed the rider may appeal the decision by;
 - i. informing the Chief Executive in writing of their intention to appeal to the Sports Tribunal, within 48 hours of the conclusion of the meeting described in clause 13.2b, or within a longer period of time agreed to in writing between the Chief Executive and the rider at, or after, the meeting; and,
 - ii. filing and serving on Cycling New Zealand and the Sports Tribunal, a notice of appeal in the form and manner specified in the rules of the Sports Tribunal, within 48 hours of informing the Chief Executive of their intention to appeal as described in clause 13.2ci above.

For avoidance of doubt:

- The reference to 'hours' in sub-clauses (i) and (ii) of this clause means every hour of the day including the hours outside of normal business hours such as weekends and public holidays
 - Both sub-clauses (i) and (ii) of this clause must be met for the Sports Tribunal to have jurisdiction to hear and decide the appeal.
- d. there is no further right of appeal from any decision of the Sports Tribunal.

13.3 **Limits on Appeals:** The appeal process described in clause 13.2 only applies to selection appeals. It does not apply to:

- any appeal made under any general provisions set out in the Constitution or Regulations of Cycling New Zealand; or
- any appeal against any selection decision which is not made by Cycling New Zealand (such as an appeal against a decision of the New Zealand Olympic Committee Incorporated).