

Cycling New Zealand Incorporated

Selection Regulation for MTB Teams and International MTB Competitions 2016 (excluding 2016 Olympics)

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INTRODUCTION

This Regulation is in two parts. Part A sets out the overview of the Regulation including the scope, purpose and eligibility requirements for the selection of riders to all Cycling New Zealand MTB Teams and for selection and/or entry into specific International MTB Competitions for 2016. Part B (including Schedules 1 and 2) sets out the selection criteria and process for selection and/ or entry into International MTB Competitions including:

- Schedule 1 – 2016 MTB World Championships and 2016 MTB World Marathon Championships; and
- Schedule 2 – 2016 MTB World Cups

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 and/or entry into specific International MTB Competitions for 2016.

1. Overview

- 1.1 **Commencement:** This Regulation was adopted by the Board on 15 February 2016 in accordance with the Cycling New Zealand Constitution. It shall come into force on **15 February 2016** 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 MTB Team.
- 1.3 **Definitions:** Clause 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 (www.cyclingnewzealand.nz) 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 Cycling New Zealand MTB Teams and for selecting riders to International MTB Competitions (other than the 2016 Rio Olympics) during the period from 15 February 2016 to 31 December 2016 (referred to as “2016” in this Regulation).

2.2 **Overall Purposes:** The overall purposes for selecting riders to compete in the International MTB Competitions in 2016 are:

a. In Cross Country for the Elite and U23 categories to:

- 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
- Qualify as many quota places in Cross Country as possible for the 2020 Tokyo Olympics;
- Achieve as many podium places as possible in Cross Country at the International MTB Competitions;
- Provide riders with opportunities for international competition to continue their development towards New Zealand winning medals at the 2020 Tokyo Olympic Games and other international MTB competitions.

b. In all the other Disciplines and Age-Groups to:

- Achieve the results for each 2016 MTB World Cup Event as specified in Schedule 2;
- Provide riders with opportunities for international competition to continue their development towards New Zealand winning medals at, and improving UCI ranking from, international MTB competitions including 2017 World Championships.

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 MTB Team and/or the Event namely Elite, U23, and U19 including men and women (unless specified otherwise).

Application Date means the date (as set out in Schedule 2) by which a rider wishing to be entered for, or considered for selection as a Supplementary Rider to, a 2016 MTB World Cup Event must complete and submit the Rider Application Form and Entry Form. The Application Date may be changed by Cycling New Zealand without amendment to this Regulation. Any such changes will be published on the Cycling New Zealand website.

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

Automatic Qualification Criteria means the UCI criteria specified in Schedule 2 which if met, will (subject to clause 6.1 of this Regulation) result in riders being automatically entered into the 2016 MTB World Cup Event, which the rider applied for, by Cycling New Zealand.

Board means the Board of Cycling New Zealand.

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

Cross Country or XCO means a Discipline of mountain bike riding where riders ride over a variety of terrain in a loop or point-to-point in races up to 1 hour 45mins. Cross Country is the only MTB Discipline on the programme of the Olympic Games.

Cross Country Eliminator or XCE means a Discipline of mountain bike riding where four riders compete against each other in heats and finals.

Cross Country Marathon or XCM means a Discipline of mountain bike riding where riders ride over a variety of terrain in a loop or point-to-point over a distance of between 60km and 160km.

Cross Country Relay or XCR means a Discipline of mountain bike riding where teams of riders compete against each other on a cross country style course.

¹ See

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

Cycling New Zealand means Cycling New Zealand Incorporated.

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

Discipline means Cross Country, Down Hill, Cross Country Eliminator or Cross Country Marathon.

Down Hill or DHI means a Discipline of mountain bike riding where riders ride down a set course which consists of varied terrain sections: narrow and broad tracks, woodland roads and paths, field paths and rocky tracks.

Elite means men and women riders aged 19 years of age and over (including Under 23) as defined in the UCI Regulations, unless specified otherwise in this Regulation.

Entry Form means the entry form set out in Schedule 4 which must be completed and returned to Cycling New Zealand by every rider wishing to be considered for selection and/or entered into any 2016 MTB World Cup Event by the Application Date.

Event means the specific race or event for a specific Discipline and Age Group in an International MTB Competition.

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 and extenuating circumstance.

Factors means the factors specified in clause 7.

Four Cross or 4X means a Discipline of mountain bike riding where 4 riders ride down a set course in elimination heats and finals.

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

High Performance Sport New Zealand means High Performance Sport New Zealand Limited which is the crown agency responsible for leading the high performance sport system in New Zealand.

HP MTB Selection Panel means the panel of people appointed by Cycling New Zealand to carry out the responsibilities specified in this Regulation.

HP MTB Targeted Riders means Elite and U23 riders who compete in Cross Country who have been identified by Cycling New Zealand, in its sole discretion, as having potential to be capable of achieving the criteria for nomination and selection to Olympic Games and Commonwealth Games. The decision by Cycling New Zealand as to whether or not a rider is identified as a HP MTB Targeted Rider is not a decision which can be appealed under this Regulation.

International MTB Competition means each of the 2016 MTB World Championships, the 2016 MTB World Marathon Championships, each of the 2016 MTB World Cups and any other international MTB competition on the UCI calendar, to which Cycling NZ decides to select a Team or to select and/or enter riders to compete as described in this Regulation.

Junior means riders who are Under 19 (male and female).

Long List means a list of riders selected by the Relevant MTB Selection Panel, in its discretion, who in the Relevant MTB Selection Panel's view, have shown, by their results and performances, that they are tracking towards achieving the criteria for selection to a MTB Team. Identifying this Long List assists the riders to make decisions on the international MTB competitions they may compete in and to make the necessary arrangements. There is no right of appeal against a decision not to include a rider in the Long List.

MTB means the sport of mountain biking including the Disciplines of Cross Country, Down Hill, Cross Country Eliminator and Cross Country Marathon.

MTB NZ means Mountain Bike NZ Incorporated.

MTB Selection Panel means the panel of people appointed by Cycling New Zealand in consultation with MTB NZ to select riders in accordance with this Regulation.

MTB Team and **Team** means any group of riders selected under this Regulation to attend the 2016 World MTB Championships or any other International MTB Competition, (other than the 2016 World Cups) and includes the New Zealand Cross Country Team, the New Zealand Downhill Team, the New Zealand Cross Country Eliminator Team and the New Zealand Cross Country Marathon Team.

MTB Team Coach means the person appointed to this position by Cycling New Zealand and MTB NZ.

MTB NZ Performance Committee means the committee of MTB NZ which is responsible for overseeing the pathway for developing MTB riders, including its responsibilities under this Regulation.

New Zealand Cross Country Team means the team of riders that is selected to represent New Zealand at the 2016 World MTB Championships in the Cross Country Discipline and includes the Elite, U23 and U19 New Zealand Cross Country Teams, unless specified otherwise.

New Zealand Cross Country Eliminator Team means the team of riders that is selected to represent New Zealand at the 2016 World MTB Championships in the Cross Country Eliminator Discipline for Elite riders, unless specified otherwise.

New Zealand Cross Country Relay Team means the team of riders that is selected to represent New Zealand at the 2016 World MTB Championships in the Cross Country Relay, unless specified otherwise.

New Zealand Cross Country Marathon Team means the team of riders that is selected to represent New Zealand at the 2016 World MTB Championships in the Cross Country Marathon Discipline for Elite riders, unless specified otherwise.

New Zealand Downhill Team means the team of riders that is selected to represent New Zealand at the 2016 World MTB Championships in the Downhill Discipline for Elite and U19 Age-Groups, unless specified otherwise.

New Zealand Four Cross Team means the team of riders that is selected to represent New Zealand at the 2016 World MTB Championships in the Four Cross Discipline, unless specified otherwise.

Relevant MTB Selection Panel means either the HP MTB Selection Panel or the MTB Selection Panel as applicable in terms of their responsibilities as set out in this Regulation, and the **MTB Selection Panels** means both panels.

Regulation means this regulation unless otherwise specified.

Rider Application Form means the application in the form set out in Schedule 3 which must be completed by every rider wishing to be considered for selection to any Team or to be selected and/or entered into a 2016 World MTB Cup Event.

Selection Date for each International MTB Competition, means the date that Cycling New Zealand intends to announce selection of the MTB Team or the selection of Supplementary Riders, as applicable, to attend that International MTB Competition, as indicated in Schedule 1 or 2 or as otherwise notified by Cycling New Zealand.

Specific Selection Criteria means the specific selection criteria (as specified in Schedule 1) to be applied in accordance with clause 6 of this Regulation by the Relevant MTB Selection Panel in considering riders for selection to a MTB Team or for selection as a Supplementary Rider to a 2016 World MTB Cup Event.

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

Supplementary Rider means a rider who does not meet the Automatic Qualification Criteria for entry into a 2016 MTB World Cup, but who is selected by the MTB Selection Panel to compete in a 2016 MTB World Cup in accordance with this Regulation.

UCI means the Union Cycliste Internationale.

UCI Cycling Regulations means the regulations issued by the UCI from time to time that regulate the sport of cycling.

Under 19 or U19 means riders (both male and female) aged 17 and 18 years of age, as specified in the UCI Cycling Regulations. Also known as **Juniors**.

Under 23 or U23 means the riders (both male and female) aged 19 to 22 years (inclusive) of age, as specified in the UCI Cycling Regulations.

2016 MTB World Cups means the UCI MTB World Cup events specified in Schedule 2.

2016 New Zealand National MTB Championships means the New Zealand National MTB Championships to be held in Wanaka from 19 – 20 March 2016.

2016 UCI Oceania Championships means the UCI Oceania Championships to be held in Queenstown from 26 – 27 March 2016.

2016 World MTB Championships means:

- the UCI MTB World Championships (XCO, XCR and XCE) to be held in Nove Mesto na Morave, Czech Republic, from 28 June – 3 July 2016; and,
- the UCI MTB World Championships (DHI and 4X) to be held in Val di Sole, Italy, from 6 September to 11 September 2016.

2016 World Marathon MTB Championships means the UCI Marathon MTB World Championships (XCM) to be held in Laissac, France on 25 - 26 June 2016.

- 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 MTB Team, or to be selected as a Supplementary Rider for, and/or entered into a 2016 MTB World Cup Event, 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”;
- have competed in the 2016 New Zealand National MTB Championships in the Discipline in which he or she seeks to be selected or to compete, unless dispensation has been applied for in writing, and approved by the Relevant MTB Selection Panel;
- 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, 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 MTB Competition(s) for which the Team is being selected, or for which the rider is seeking to compete, 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, or for entry into a 2016 World MTB Cup, under this Regulation.

PART B – SELECTION CRITERIA

Part B (including Schedules 1 and 2) sets out the selection criteria and process for selection and/ or entry into International MTB Competitions.

5 Selection of MTB Teams and Riders

5.1 **MTB Selection Panels:** Cycling New Zealand has two MTB selection panels appointed by the Board as follows:

- a. the HP MTB Selection Panel, which is responsible for considering and selecting riders for the MTB Teams from amongst the HP MTB Targeted Riders for each of the 2016 World MTB Championships in the Elite and U23 categories in Cross Country in accordance with this Regulation;
- b. The MTB Selection Panel, which is responsible for:
 - i. considering and selecting the Long List;
 - ii. considering and selecting riders for the MTB Teams for each of the 2016 World MTB Championships in all Disciplines and Age Groups, other than Cross Country (except to the extent set out in sub-clause iii of this clause 5.1b);
 - iii. considering and selecting Elite and U23 categories in Cross Country for each of the 2016 World MTB Championships if there are quota places which are not filled by the selection of riders by the HP MTB Selection Panel;
 - iv. considering and selecting riders for the MTB Team for the 2016 World Marathon MTB Championships in all Disciplines; and,

- v. considering and selecting any Supplementary Riders in any Disciplines for the 2016 MTB World Cup Events;

in accordance with this Regulation.

5.2 **MTB Teams:** Unless Cycling New Zealand decides otherwise, MTB Teams will be selected (by the Selection Dates) to attend the International MTB Competitions in the Disciplines and Age-Groups specified in **Schedule 1**.

5.3 **Entry and Selection of Riders for 2016 MTB World Cup:** For the 2016 MTB World Cup Events specified in Schedule 2, Cycling New Zealand will enter riders (but not a MTB Team) into the applicable 2016 World MTB Cup Event if they:

- a. are eligible (under clause 4) and,
- b. have competed and returned the Entry Form by the Application Date; **and**,

either:

- i. have met the Automatic Qualification Criteria (specified in Schedule 2) in the applicable Event in the 2016 World MTB Cups (specified in Schedule 2) for which the riders have completed an Entry Form by the Application Date; or,
- ii. have been selected as Supplementary Riders by the MTB Selection Panel (in accordance with this Regulation), for the applicable Events in the 2016 World MTB Cups (specified in Schedule 2) for which the riders have completed an Entry Form by the Application Date.

5.4 **Additional Competitions:** Without limiting the Board's power under clause 1.4 (Amendment), the High Performance Director (for Elite and U23 Cross Country Events) or the MTB Performance Committee (for all other Disciplines) (whichever is applicable) may, in their sole discretion, decide to send MTB Teams, and/or to select and/or enter riders, to compete in other International MTB Competitions. If this occurs the High Performance Director or MTB Performance Committee (whichever is applicable) shall ask the Relevant MTB Selection Panel to undertake the selection. The selection process will be that specified in clause 6 of this Regulation.

5.5 **Composition:** The composition of any MTB Team will be determined by Cycling New Zealand in accordance with the rules of the applicable International MTB Competition and any other requirements of Cycling New Zealand.

5.6 **Long List:** The MTB Selection Panel may select a Long List of riders from which the MTB Teams may be selected. The Long List will be announced no later than 31 March 2016. The fact that a rider is named on the Long List does **not** guarantee selection.

- 5.7 **Riders not on the Long List:** Those riders who are not on the Long List may still be considered for selection for any MTB Team, or for selection and/or entry to a 2016 World MTB Cup Event, in accordance with this Regulation.

6 Selection Process

- 6.1 **Criteria Overview:** In deciding which riders to select for any MTB Team, and/or to select as Supplementary Riders to compete in a 2016 World MTB Cup Event, the Relevant MTB Selection Panel in undertaking its responsibilities as set out in clause 5.1 must:

- only consider riders who have met the requirements in clause 4 (Eligibility)
- take into account the overall purposes specified in clause 2.2; and
- consider:
 - (i) the Specific Selection Criteria for the Event at the International MTB Competition to which the riders are seeking selection as set out in Schedules 1 and 2 (including any specific terms);
 - (ii) any one or more of the Factors in accordance with clause 7, with any weighting specified in Schedules 1 and 2; and,
 - (iii) any Extenuating Circumstance or injury, illness or other matter affecting the fitness of riders, in accordance with clause 9.

- 6.2 **Relevance & Weight:** The Relevant 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.

- 6.3 **No Guarantee:** Achievement of the Specific Selection Criteria does not guarantee selection.

- 6.4 **Selection Dates:** The Selection Dates listed in Schedules 1 and 2 may be changed by the High Performance Director or MTB NZ Performance Committee (as applicable) (without amendment to this Regulation) if competition dates or other factors arise which necessitate changes to those dates. Any changes in Selection Dates, or where dates are to be confirmed, 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.

- 6.5 **Composition:** The composition of any MTB Team will be determined by the Relevant MTB Selection Panel, in accordance with the rules of the applicable International MTB Competition and any other requirements of Cycling New Zealand.

7. Factors

7.1 **General:** The Relevant MTB Selection Panel shall take into account, any one or more of the following factors, in its discretion, in making decisions about selection of a rider to any MTB Team or to select a Supplementary Rider for a 2016 World MTB Cup Event:

- 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 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 ability 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 attendance, attitude, and conduct at past competitions, training sessions, training camps, trials and other events;
- the overall composition of the MTB Team for the International MTB Competition and the allocation of riders to compete in 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 MTB Competition;
- any other information the Relevant MTB Selection Panel considers is relevant.

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 relevant MTB 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, altitude, weather, team composition and field of competition).

8. Selection Trials

- 8.1 **Holding a Trial:** To assist the Relevant MTB Selection Panel in selecting any MTB Team, the High Performance Director or MTB NZ Performance Committee (whichever is applicable), may (at any time after consultation with the Relevant MTB 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 or MTB NZ Performance Committee (as applicable), 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 or MTB NZ Performance Committee (whichever is applicable) 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 or MTB NZ Performance Committee (as applicable) 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 Relevant MTB Selection Panel may, in its discretion, take any notified Extenuating Circumstance into consideration in making its selection decisions.
- 9.2 **Injury/Illness:** If the Relevant MTB 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 Relevant MTB 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 Relevant MTB 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 Relevant MTB 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 Relevant MTB Selection Panel not treating the injury or illness as an Extenuating Circumstance.

10. Conditional Selections

- 10.1 **Conditions:** The Relevant MTB Selection Panel may select a rider (including a Supplementary Rider) subject to conditions. For example, conditions may include the following, or any other conditions specified by the Relevant MTB Selection Panel, as applicable:
- a. recovery from injury to the satisfaction of the Relevant MTB Selection Panel, as applicable, by a specified date;
 - b. meeting a specified result or performance requirement at a competition, or a testing or other assessment requirement.
- 10.2 **Satisfaction of Conditions:** If selection of a rider is conditional, the specified conditions must be met to the satisfaction of the Relevant MTB Selection Panel, as applicable, before that selection is made unconditional. If they are not met, then the rider will immediately cease to be selected upon being informed by the High Performance Director that the condition has not been satisfied.

11. Consequences of Selection

- 11.1 **Requirements:** Every rider who is selected to any MTB Team must: train in accordance with any competition and training programmes, and at specified training venues, as directed by Cycling New Zealand;
- 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.
- 11.2 **Suspension/Removal:** A member of any MTB Team who does not continue to adhere to the requirements in clause 11.1 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 MTB 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 Relevant MTB Selection Panel considers is likely to prevent the rider from competing in the MTB Team.

11.3 Requirements for Riders Entered into 2016 World MTB Cups: Every rider who is entered into a 2016 World MTB Cup Event by Cycling New Zealand in accordance with this Regulation must:

- sign and comply with the terms of an Athlete Agreement signed by the rider;
- comply with:
 - the UCI Constitution, UCI Regulations, or any other requirements of the UCI; or
 - the Cycling New Zealand Constitution, Regulations, or any other requirements or directions of Cycling New Zealand; or
 - the Sports Anti-Doping Rules, UCI Anti-Doping Regulations or the World Anti-Doping Code;
- complete any other requirements specified by Cycling New Zealand.

11.4 **Suspension/Removal:** Any rider who is entered into a 2016 World MTB Cup Event, who

- does not adhere to the requirements in clause 11.3; or
- brings him/herself, another rider, any Team, Cycling New Zealand, or the sport of cycling generally into disrepute;

may, in the sole direction of Cycling New Zealand, be withdrawn or denied entry to 2016 World Cup Events at any time from that Event and/or other 2016 World MTB Cup Events.

11.3 **Natural Justice:** Cycling New Zealand will comply with the principles of natural justice in making any decision to withdraw, suspend or remove a rider from any Road Team or any 2016 World MTB Cup Event.

12. Replacement Rider(s)

12.1 If a rider has been selected to a MTB Team, selected as a Supplementary Rider or entered into a 2016 MTB World Cup Event does not satisfy any condition (under clause 10) or is withdrawn, suspended or removed from that MTB Team or from entry to the 2016 MTB World Cup event (under clause 11), or is no longer eligible (see clause 4 – Eligibility), the Relevant MTB Selection Panel may, in its absolute discretion, select another rider to that MTB Team or select another rider to be entered into the 2016 MTB World Cup Event . Such selection is to be carried out in accordance with this Regulation (with any necessary adjustments as to timing).

13. Selection for the Start List

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

13.2 **Selection for the Start List:** Once a MTB Team is selected, the High Performance Director or the MTB NZ Performance Committee (whichever is applicable) and/or the MTB Team Coach will determine which riders in the MTB Team will start in each Event at the International MTB 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 MTB Competition.

14. Appeals

14.1 Team Non-Selection – Appeal Grounds: A rider may lodge an appeal against a decision of Cycling New Zealand under this Regulation:

- a. not to select that rider to a MTB Team;
- b. not to select that rider as a Supplementary Rider; or
- c. not to enter that rider into a 2016 MTB World Cup Event;

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; or
- for an appeal made under clause 14.1b or c:
 - 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.

14.2 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 decision, was notified to the rider, or the date the MTB Team was publicly announced, if applicable, (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 Relevant MTB 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 14.2b 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 14.2b, 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 14.2ci 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.

14.3 **Limits on Appeals:** The appeal process described in clause 14.2 only applies to appeals against the decisions specified in clause 14.1. 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).