



**Cycling New Zealand Incorporated  
General Selection Regulation  
2021-2024**

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<b>Issued:</b>	<b>11 March 2021</b>
<b>Commencement Date:</b>	<b>11 March 2021</b>
<b>Amended:</b>	<b>7 February 2023</b>
	<b>6 March 2024</b>
	<b>10 April 2024</b>

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## **INTRODUCTION**

This Regulation is in three parts;

- **Part A** sets out the overview of this Regulation, including the scope, purpose and eligibility requirements for the selection of all riders to Cycling New Zealand Teams (other than those which are expressly excluded such as the Olympic Games, Paralympic Games and Commonwealth Games).
- **Part B** sets out the general selection process and criteria for selection to Cycling New Zealand Teams for International Competitions and includes Schedules 1 to 5 which set out any additional eligibility requirements, the specific selection objectives and criteria for each Discipline for specific International Competitions for each category including Elite Men, Elite Women, U23 Men, U23 Women and Junior (U19) Men and Junior (U19) Women riders namely:
  - Schedule 1 – Track Teams
  - Schedule 2 – Road Teams
  - Schedule 3 – MTB Teams
  - Schedule 4 – BMX Teams
  - Schedule 5 – Esports

Should there be any inconsistency between a Schedule and this Regulation, this Regulation will apply to the extent of any such inconsistency.
- **Part C** sets out the grounds and process for appealing a decision of a Cycling New Zealand Selection Panel not to select a rider to a Team for an International Competition.

## 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 general eligibility requirements for riders seeking selection to Cycling New Zealand Teams for International Competitions.

### 1. Overview

- 1.1. **Commencement:** This Regulation was adopted by the Board on 11 March 2021, and was subsequently amended by the Board on 7 February 2023 and 6 March 2024 in accordance with the Cycling New Zealand Constitution. This Regulation (as amended from time to time) will apply until 31 December 2024. Schedules 1 to 5 will be updated by the Board for each International Competition with the specific criteria applicable during the period 2021 to 2024 (other than those competitions specified in clause 2.3 (Exclusions)).
- 1.2. **Status:** Except where clause [2.3](#) (Exclusions) applies, this Regulation and the Schedules override all prior correspondence, discussions, and representations (whether written or oral) regarding selection to any Cycling New Zealand Team.
- 1.3. **Definitions:** [Clause 3](#) contains definitions for terms used in this Regulation. Unless stated otherwise in any Schedule, these definitions also apply to terms in the Schedules.
- 1.4. **Interpretation:** In this Regulation (including the Schedules), unless the context otherwise requires:
  - 1.4.1. words in the singular include the plural and vice versa;
  - 1.4.2. a reference to any date or time in this Regulation or any Schedule, means the date and time specified in the New Zealand time zone;
  - 1.4.3. references to clauses, unless otherwise stated, are to the clauses in this Regulation;
  - 1.4.4. a reference to “written” or “in writing” includes by facsimile, email or other means using technology, such as completion of a form online.
- 1.5. **Amendment:** This Regulation (including any Schedules) may be amended at any time by the Board or the HP Director to the extent specified in clause 5.4. Amendments to this Regulation (including any Schedules), will be published on the Cycling New Zealand website and/or otherwise made available to the riders of the relevant Discipline by Cycling New Zealand.

### 2. Scope, Overall Purpose and Exclusions of this Regulation

- 2.1. **Scope:** This Regulation sets out the procedures and criteria for selecting riders for Teams at the International Competitions stated in Schedules 1 to 5 (as updated from time to time), from 1 January 2021 to 31 December 2024.
- 2.2. **Overall Purpose:** The overall purpose of this Regulation is to select riders to compete in International Competitions to satisfy the specific objectives stated in the applicable Schedules for each Discipline.

- 2.3. **Exclusions:** This Regulation does not apply to the nomination or selection of riders to the Commonwealth Games, Olympic Games, Youth Commonwealth Games or Youth Olympic Games as the NZOC is responsible for issuing nomination criteria which applies to the nomination and selection of riders for these events. UCI Track Nations Cups and Oceania Championships are also excluded from this Regulation. Cycling New Zealand will communicate to the affected riders the process for entry to the UCI Track Nations Cup and Oceania Championships.
- 2.4. **Risk Assessment:** Cycling New Zealand will conduct regular monitoring / risk assessment of International Competitions using its event risk assessment process. Cycling New Zealand reserves the right to cancel or replace selection for an International Competition, or to remove or replace competitions or Events from the selection criteria or a Performance Window referred to in any of the Schedules, due to its assessment of risks or for strategic, operational, financial, health & safety, or any other reason decided by Cycling New Zealand.

### 3. Definitions

- 3.1. In this Regulation (including the Schedules, unless specified otherwise), the following definitions apply:

**Age Group** means the age group that applies to a rider and/or the Event for which selection is being undertaken, such as Elite, U23, U19, as defined in accordance with the UCI Regulations.

**Application Date** means the date (set out in each Schedule) by which a rider wishing to be considered for selection must complete the Rider Application. The Application Date may be changed by Cycling New Zealand without amendment to this Regulation, but any such change will be published on the Cycling New Zealand website.

**Athlete Agreement** means the written agreement governing the relationship between the rider and Cycling New Zealand for attending an International Competition or, in the case of riders receiving TAPS (Tailored Athlete Pathway Support), means the written agreement entered into by the rider with Cycling New Zealand annually which includes the terms for receiving TAPS.

**BMX NZ** means BMX New Zealand, which is a Member Organisation of Cycling New Zealand.

**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 and for the purposes of this Regulation includes its key personnel.

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

**Cycling New Zealand Road and Track** means Cycling New Zealand Road and Track Incorporated, which is a Member Organisation of Cycling New Zealand.

**Cycling New Zealand Schools** means the New Zealand School Cycling Association Incorporated, which is a Member Organisation of Cycling New Zealand.

**Day** means any day of the week including Saturday and Sunday and public holidays, unless specified otherwise.

**DFSNZ** means Drug Free Sport New Zealand, which is the national anti-doping organisation of New Zealand established under the Sports Anti-Doping Act 2006 (and from 1 July 2024, transferred into the Integrity Sport and Recreation Commission under the Integrity Sport and Recreation Act 2023).

**Discipline** means a discipline of cycle racing namely:

- road,
- track,
- mountain bike downhill,
- mountain bike cross country,
- BMX freestyle,
- BMX racing,
- cyclo-cross,
- gravel,
- gran fondo
- cycling e-sport (E-Sport)

**Eligible** means the rider has met all the requirements to be considered for selection set out in clause 4 and any additional requirements specified in the applicable Schedule.

**Elite** means riders (both Men and Women) aged 19 years of age and over (including U23), as defined in the UCI Regulations, unless specified otherwise in this Regulation or a Schedule.

**Events** means the events of a Discipline in an International Competition. For example, in the Discipline of track, the Events are in two categories of sprint and endurance races. In track sprint, the Events include sprint (individual and team), time trial, keirin. In track endurance, the Events include pursuit (individual and team), scratch race, points race, omnium and madison.

**Event Exemption Application Form** means the form to be completed by a rider if they wish to be exempt from participation in an event or competition necessary to be eligible for selection. The form is available as a hyperlink in the applicable Schedules.

**Extenuating Circumstances** means an inability of a rider to perform at an optimum level arising from any one or more of the following:

- injury or illness,
- equipment failure,
- travel delays,
- bereavement or other personal misfortune; and/or
- any other circumstances reasonably considered by a Selection Panel to constitute extenuating circumstances.

**High Performance Director** or **HP Director** or **HPD** means the person appointed to this position by Cycling New Zealand with responsibility for leading the Cycling New Zealand High Performance Programme.

**International Event Entry Process (IEEP)** means the process (where Cycling New Zealand has responsibility for completing entries for International Competitions), by which it may undertake a risk assessment to determine the risks posed at a competition destination, such as COVID 19, terrorism, or civil unrest. Any such destinations will be assigned a risk level using a traffic light system and based on that a decision is made by Cycling New Zealand on whether to select riders and/or process entries for the relevant competition. Further details are available, on the Cycling New Zealand [website](#).

**International Competition** means an international cycling competition on the UCI calendar to which Cycling New Zealand decides to send a Team, including those competitions specified in each of the Schedules.

**Junior** means riders who are aged **Under 19**.

**Key Timelines** means the dates and time periods specified in a Schedule (which may be amended by Cycling New Zealand from time to time) which are applicable to the selection of a Team for an International Competition.

**Member Organisation** means an organisation which is a member of Cycling New Zealand including Cycling New Zealand Road and Track, MTBNZ, BMX NZ, Cycling New Zealand Schools and the centres, clubs and other member organisations of Cycling New Zealand.

**Men** means the men's category as defined by the UCI Regulations.

**MTBNZ** means Mountain Bike New Zealand Incorporated, which is a member organisation of Cycling New Zealand.

**National Coach** means the person appointed to coach a Discipline or Event within a Discipline by Cycling New Zealand.

**NZOC** means the New Zealand Olympic and Commonwealth Games Association Incorporated.

**Performance Standards** means any specific times or results of riders in training or competition as specified in the applicable Schedule to be considered by a Selection Panel.

**Performance Window** means the period during which riders' results and performances will be considered by a Selection Panel in considering riders for selection under the applicable Schedule. The specific dates of the relevant Performance Window for each Discipline are specified in each Schedule.

**Pinnacle Events** means the Olympic Games and the UCI World Championships.

**Priority Events** means Events within a Discipline that are prioritised based on the potential to achieve the most medals, as decided by the relevant Selection Panel.

**Regulation** and **General Selection Regulation** means this regulation, unless specified otherwise.

**Rider Application** means the application which must be completed by the Application Date by every rider wishing to be considered for selection to any Team.

**Schedule or applicable Schedule** means Schedule 1, 1A, 2, 2A, 2B, 2C, 2D, 3, 3A, 4, or 5 of this Regulation whichever applies to the relevant International Competition to which a rider is seeking selection, unless specified otherwise.

**Selection Date** means the date that Cycling New Zealand intends to announce selection of the Team/s to attend an International Competition. This date is specified in each Schedule or as otherwise notified to the relevant riders by Cycling New Zealand.

**Selection Objective/s** means the objective/s of Cycling New Zealand (as stated in each Schedule) for each International Competition, which the relevant Selection Panel must consider when selecting riders, in accordance with the applicable Schedule.

**Selection Panel** or **relevant Selection Panel** means a panel of people appointed by the Board to select riders for a Discipline for an International Competition in accordance with this Regulation.

**Sports Tribunal** means the Sports Tribunal of New Zealand as described in the Sports Anti-Doping Act 2006 (and from 1 July 2024, renamed as the Sports Tribunal Act 2006).

**Sports Tribunal Rules** means the rules of the Sports Tribunal (available at [www.sportstribunal.org.nz/rules-of-the-sports-tribunal/](http://www.sportstribunal.org.nz/rules-of-the-sports-tribunal/)).

**Team** and **Cycling New Zealand Team** means any one or more riders selected to be part of a Cycling New Zealand squad or team to attend an International Competition in accordance with this Regulation. A Team does not include riders who complete their own entries into any International Competition (where that is permitted).

**Under 19** and **U19** means riders (both Men and Women) aged 17 and 18 years of age, as specified in the UCI Regulations. Also known as “**Juniors**”.

**Under 23** and **U23** means riders (both Men and Women) aged 19 to 22 years (inclusive) of age as specified in the UCI Regulations.

**UCI** means the Union Cycliste Internationale which is the international federation governing cycling, of which Cycling New Zealand is a member.

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

**Women** means the women’s category as defined by the UCI Regulations.



**Working Day** means any day of the week other than:

- a. Saturday, Sunday, Good Friday, Easter Monday, Anzac Day, Labour Day, the Sovereign's birthday, Matariki and Waitangi Day; and
- b. A day in the period commencing with the 25<sup>th</sup> day of December in any year and ending with the 15<sup>th</sup> of January in the following year.

#### **4. Eligibility**

To be Eligible to be considered for selection to a Cycling New Zealand Team, a rider must:

- 4.1. be a New Zealand citizen with a current New Zealand passport or proof of New Zealand citizenship by way of an official certificate issued by the relevant ministry, New Zealand consulate or New Zealand embassy;
- 4.2. have a current UCI domestic or international racing licence issued by Cycling New Zealand or another cycling federation affiliated with the UCI, with the nationality marked as "NZL";
- 4.3. fully complete the Rider Application and submit it by the Application Date.
- 4.4. meet any additional eligibility requirements specified in any Schedule, which may include attending and competing in any specific Events or competitions specified in any Schedule, unless the rider's non-participation is agreed to in writing by the HPD. A rider requesting an exemption from participation must complete the Event Exemption Application Form prior to the start of the event or competition;
- 4.5. not, in Cycling New Zealand's view, be in breach of, or be under investigation or in any disciplinary proceeding, for any breach of, the constitutions, rules, regulations or requirements of the UCI, Cycling New Zealand, a Member Organisation or any of the centres, clubs and other members of the UCI, Cycling New Zealand or a Member Organisation;
- 4.6. not have any outstanding debts owed to Cycling New Zealand or any Member Organisation;
- 4.7. not have acted in a manner so as to bring themselves, the sport of cycling, Cycling New Zealand, or a Member Organisation, into public disrepute;
- 4.8. not have used any substances or methods on the prohibited list (which is published annually by the World Anti-Doping Agency) and which, if it had been detected as being present in a sample from the rider's body tissue or fluids provided for anti-doping purposes, would constitute an anti-doping rule violation under the Cycling New Zealand anti-doping rules (which are the Sports Anti-Doping Rules or the UCI's anti-doping rules);
- 4.9. not be under investigation or in any disciplinary proceedings, for any breach of, 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;
- 4.10. not have been convicted of a criminal offence or have any charge in respect of any criminal offence punishable by a term of imprisonment pending against the rider;

- 4.11. to have completed anti-doping education within the calendar year of the International Competition by either:
- attending a DFSNZ education workshop or webinar, or
  - completing the DFSNZ e-learning level 1 or 2 course, or
  - completing an equivalent education session with another organisation (e.g. another national anti-doping organisation or the International Testing Agency) whose education programme is compliant with WADA's International Standard for Education and is mutually recognised by DFSNZ;
- 4.12. have provided Cycling New Zealand with key contact details for communication purposes (including a current physical address, email address, and telephone number); and,
- 4.13. be eligible under UCI Regulations to represent New Zealand at the applicable International Competition for which the Team is being selected, including complying with any relevant Age Group or other requirement, determined in accordance with the rules of the relevant International Competition.

## **PART B – SELECTION CRITERIA**

**Part B** of this Regulation sets out the process and general criteria for selection to Teams for International Competitions.

Part B must be read in conjunction with the applicable Discipline's Schedule which sets out any additional eligibility requirements, the specific selection objectives and criteria for each Discipline for specific International Competitions for each category (including Elite Men, Elite Women, U23 Men, U23 Women, Junior (U19) Men and Junior (U19) Women riders).

### **5. Selection of Cycling New Zealand Teams**

- 5.1. **Selection to Teams:** Only Eligible riders can be considered for selection to a Team by a Selection Panel.
- 5.2. **Selection Panels:** The Board will appoint Selection Panels for each Discipline on the recommendation of the HPD, Cycling New Zealand Road and Track, BMXNZ and MTBNZ in accordance with terms of reference decided by the Board. Unless specified otherwise in this Regulation, a Schedule or the terms of reference, the Selection Panels are responsible for deciding on the selection or otherwise of riders for Teams in accordance with this Regulation.
- 5.3. **International Competitions:** Unless Cycling New Zealand decides otherwise, Teams will be selected by the Selection Dates to compete in the International Competitions specified in the Schedules.

- 5.4. **Schedules:** The Schedules will be updated, and may be amended, by the Board for an International Competition. The HP Director or designate (as applicable), may also amend a Schedule without approval by the Board for minor clerical or typographical changes or if competition dates or other circumstances occur on which selection may be based, which necessitate changes. Any amended Schedules will be published on the Cycling New Zealand website and/or otherwise notified by Cycling New Zealand to the affected riders who have completed the Rider Application.

## 6. Selection Process

- 6.1. **Criteria Overview:** In deciding which riders to select for any Team, the relevant Selection Panel must:
- 6.1.1. only consider Eligible riders;
  - 6.1.2. take into account the overall purpose of this Regulation (specified in clause [2.2](#));
  - 6.1.3. take into account the specific Selection Objective(s) for an International Competition as stated in the applicable Schedule; and;
  - 6.1.4. consider:
    - a. the specific terms of the applicable Schedule including the specific criteria for the International Competition, and any other considerations or factors specified in the Schedule; and
    - b. in its discretion, any Extenuating Circumstances or injury, illness or other matter affecting the fitness of riders, in accordance with [clause 8](#).
- 6.2. **Own Enquiries:** In considering any riders for selection the Selection Panels may make such enquiries of the riders, or other persons, as they see fit.
- 6.3. **No Guarantee:** Unless specified in the applicable Schedule, achievement of any specific selection criteria in a Schedule does not guarantee selection of a rider to a Team.
- 6.4. **Quotas:** The qualification of a quota by a rider (or group of riders) for an International Competition does not guarantee that the rider (or group of riders) will be selected.
- 6.5. **Composition:** The composition of any Team will be decided by the applicable Selection Panel, in accordance with the rules of the applicable International Competition, this Regulation, the applicable Schedule and the Selection Panel's terms of reference). The relevant Selection Panel is not obliged to fill all available UCI allocated quota places.

- 6.6. **Reserves:** A Selection Panel may (depending on the nature and requirements of the Events in International Competitions) select reserves (travelling or non-travelling) or alternate riders who are Eligible, to take the place of selected riders, should that be necessary due to injury, illness or other reasons affecting the selected rider from competing, including failure to satisfy any conditions of selection (clause 9). The criteria for selecting any such reserves shall be the next rider who the Selection Panel considers satisfy the criteria set out in the applicable Schedule, unless specified otherwise.
- 6.7. **Appeal:** A rider who disagrees with a decision by a Selection Panel not to select them to a Team and wishes to appeal must follow the processes in accordance with **Part C** of this Regulation.
- 6.8. **Logistics:** Cycling New Zealand may need to book travel, accommodation, and other logistics in advance of a Selection Date. In the event it does so and needs to use riders' names and other personal information, such bookings are placeholders only and do not constitute selection, and cannot be regarded as any indication of selection or taken into account by a Selection Panel in any selection decision.

## 7. Selection Trials

- 7.1. **Holding a Trial:** To assist the relevant Selection Panel in selecting any Team, the HP Director, or designate (as applicable), may (at any time after consultation with the relevant Selection Panel) decide to hold a selection trial (or trials) for or between Eligible riders. Trial(s) may be carried out as part of training, in competition or otherwise as the HP Director, or designate (as applicable), considers appropriate. The nature and format of any trial shall be decided at the discretion of the HP Director or designate (as applicable).
- 7.2. **Invitation to Trial:** The HP Director, or designate (as applicable), may invite any Eligible riders he/she considers appropriate, to participate in any trial. The decision of the HP Director, or designate (as applicable), whether to invite an Eligible rider to the trial or not, is final and cannot be appealed. Eligible 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 an Eligible rider agrees to participate in a trial the rider must participate in the trial as requested by Cycling New Zealand. Failure to agree to participate in the trial eliminates the rider from consideration for selection.
- 7.3. **Conditions around holding a trial:** If the HP Director or designate (as applicable) has decided that a trial should be held, the HP Director or designate (as applicable) must provide the following written information to the invited Eligible riders:
- 7.3.1. reason(s) for the trial;
  - 7.3.2. desired outcome(s) of the trial;
  - 7.3.3. an outline or explanation of how the trial will be executed.

- 7.4. **Injury or Illness:** If any Eligible rider is scheduled to participate in a trial and is ill or injured, the rider must notify the HP Director, or designate (as applicable), of this in writing prior to the start of the trial.

## 8. Extenuating Circumstances, Injury, and Illness

- 8.1. **Requirement to Notify HPD:** If an Eligible rider considers there are any Extenuating Circumstances that are relevant to the rider's selection, the rider must notify the HP Director or designate (as applicable), of this in writing as soon as possible after the Extenuating Circumstances arise and before the Selection Date, using the link on the Cycling New Zealand website or by email to the HPD. This notification shall include detailed information about, and evidence to verify, the Extenuating Circumstances. The relevant Selection Panel, in its discretion, may take any notified Extenuating Circumstances into consideration in making its selection decisions.
- 8.2. **Injury / Illness:** If the relevant Selection Panel is or becomes aware of any injury, illness or other matter that may affect the fitness of an Eligible rider to perform to their best and/or a claim for Extenuating Circumstances is not made in accordance with [clause 8.1](#), the relevant Selection Panel may take such injury, illness or other matter affecting that rider's fitness into account in considering the selection, or otherwise, of that rider. However, before doing so, the relevant Selection Panel must first enquire with the rider as to the status of the injury, illness or other matter affecting the rider's fitness. Further, if the relevant Selection Panel wishes to do so, it may request the HPD to request the rider to undergo a medical examination under clause 8.3. The Selection Panel must consider the outcome of this examination. The relevant Selection Panel may also request and consider any other information from the rider or others (including coaches or other riders) related to the rider's injury, illness or other matter affecting the rider's fitness.
- 8.3. **Medical Examination:** The HP Director or designate (as applicable) may request that an Eligible rider undergo a medical examination by a medical practitioner nominated by Cycling New Zealand, and to provide the results of such examination to the Selection Panel, in the following situations:
- 8.3.1 when a rider has notified the HP Director or designate (as applicable) of an Extenuating Circumstance based on injury or illness; or
  - 8.3.2 the Selection Panel wishes to obtain further information about an injury, illness or other factor affecting the fitness of a rider, whether or not Extenuating Circumstances have been notified.

If the rider declines to have a medical examination in accordance with this clause, it may result in the Selection Panel not taking into account the injury, illness or other factor affecting the rider, or the claimed Extenuating Circumstances. The medical examination will be at Cycling New Zealand's cost. The medical practitioner will provide his/her opinion and/or report to Cycling New Zealand, with a copy to the rider.

## 9. Conditional Selections

- 9.1 **Financial Conditions:** For some International Competitions, Cycling New Zealand may not be able to financially support selected riders to attend. If this is the case, a Schedule may specify that selection of a rider to a Team is conditional on the rider being able to fund themselves to attend and compete at the International Competition and any competitions from which results or performances may be taken into account in considering their selection. In addition to funding their own attendance, riders may also be required to arrange their own travel, accommodation, uniform and/or other logistics for International Competitions, as notified by Cycling New Zealand.
- 9.2 **Performance Conditions:** A Selection Panel, may select an Eligible rider to a Team subject to performance conditions. Generally, a selection conditional on performance conditions will only be used in cases where riders are coming back from injury, illness or time away from training and competition for reasons already agreed to with the HP Director. These conditions may include:
- 9.2.1 recovery from injury to the satisfaction of the relevant Selection Panel by a specified date; or
  - 9.2.2 recovery from illness to the satisfaction of the relevant Selection Panel by a specified date; or
  - 9.2.3 returning to training and competition for other reasons where the HP Director or designate (as applicable) and/or the Selection Panel have been notified.
- 9.3 **Risk Management Conditions:** There may also be conditions to be fulfilled by an Eligible selected rider arising out of a risk assessment undertaken as part of an International Event Entry Process (IEEP), if applicable.
- 9.4 **Satisfaction of Conditions:** If the selection of an Eligible rider is conditional under either clause 9.1, 9.2 or 9.3, the specified conditions must be met to the satisfaction of the relevant Selection Panel or in the case of an IEEP an independent risk assessment consultant, before that selection is confirmed. If they are not met, then the rider will immediately cease to be selected and will be notified in writing by the HP Director, or designate (as applicable), that one or more conditions have not been met. If this occurs, the Selection Panel or the HPD may select one of the selected reserve riders, or if there are no reserves, another Eligible rider to join the Team.

## 10. Consequences of Selection

- 10.1 **Requirements:** Every Eligible rider who is selected to any Team must:
- 10.1.1 train in accordance with any competition and training programmes, and at specified training venues, as directed by the HP Director, or designate (as applicable);
  - 10.1.2 agree to compete as a member of the Team as directed by the HPD, or designate (as applicable);
  - 10.1.3 sign (if not already signed prior to selection), and comply with the terms of the signed, Athlete Agreement);
  - 10.1.4 remain Eligible; and,

- 10.1.5. complete any other requirements specified by the HPD or designate (as applicable).
- 10.2. **Suspension / Removal:** A member of any Cycling New Zealand Team who does not comply with or continue to adhere to the requirements in [clause 10.1](#) may, at the sole discretion of Cycling New Zealand (through the Chief Executive), be suspended or removed from the Team (which may include removal from the International Competition) at any time. In addition, any rider may be suspended or removed from any Team if the rider:
- 10.2.1. fails to consistently maintain the level of performance and/or results in training and in competition as expected by Cycling New Zealand, and/or;
- 10.2.2. any one or more of the declarations of the rider in the Rider Application are found to have been incorrect or false at the time of the application;
- 10.2.3. breaches or fails to comply with this Regulation or the Athlete Agreement, and/or;
- 10.2.4. breaches or fails to comply with any of the following:
- a. the UCI Constitution, UCI Regulations, or any other requirements of the UCI; or
  - b. the Cycling New Zealand Constitution, Regulations, or any other requirements, code of conduct, policies or directions of Cycling New Zealand; or
  - c. the Sports Anti-Doping Rules, UCI Anti-Doping Regulations or the World Anti-Doping Code;
- 10.2.5. brings him/herself, another rider, any Team, Cycling New Zealand, or the sport of cycling generally into disrepute; or
- 10.2.6. has a significant illness or injury which the relevant Selection Panel, considers is likely to prevent the rider from competing in the Team.
- 10.3. **Removal due to Appeal:** In addition to clause 10.2, a selected rider may be removed from a Team as a result of an appeal by another rider (the Appellant) who was originally not selected to the Team if:
- 10.3.1. the relevant Selection Panel or Cycling New Zealand are ordered by the Sports Tribunal to reconsider the selection, and having done so, decide to select the Appellant; or
- 10.3.2. Cycling New Zealand is ordered by the Sports Tribunal to select the Appellant.
- 10.4. **Natural Justice:** Cycling New Zealand will comply with the principles of natural justice before making any decision to withdraw, suspend or remove a rider from any Team.

## 11. Replacement Rider(s)

- 11.1 If a rider who has been selected to a Team for any International Competition has not satisfied any condition ([under clause 9](#)) or is suspended or removed from that Team or from entry to the event ([under clause 10](#)) or is no longer eligible ([see clause 4 – Eligibility](#)), the relevant Selection Panel may, in its absolute discretion, select another Eligible rider to that Team (including any rider selected as the reserve). Such selection is to be carried out in accordance with this Regulation (with any necessary adjustments as to timing).

## **PART C – APPEAL PROCESS**

**Part C** of this Regulation sets out the process for appealing a decision by a Selection Panel not to select a rider to a Team for an International Competition.

## 12. Overview of Appeal Process

- 12.1 If a rider disagrees with, and wishes to appeal, the decision of a Selection Panel not to select them to a Team for an International Competition in accordance with a Schedule or to select the rider as a reserve to the Team for an International Competition in accordance with a Schedule, (“both referred to as a Non-Selection Decision”), the process for appealing that Non-Selection Decision within the Grounds of Appeal (clause 14) is in three stages as follows:
- 12.1.1 Notification of Intention to Appeal (see clause 14);
- 12.1.2 Informal Meeting (see clause 15); and,
- 12.1.3 Appeal to Sports Tribunal (see clause 16). Non-Selection Decisions may only be appealed exclusively to the Sports Tribunal and no party may institute or maintain proceedings in any other court or tribunal.

## 13. Grounds for Appeal

- 13.1 An appeal by a rider (“Non-Selected rider”) against a Non-Selection Decision may be made on any one or more of the following grounds:
- 13.1.1 that the General Selection Regulation and/or the applicable Schedule was not properly followed and/or implemented;
- 13.1.2 the rider was not afforded a reasonable opportunity to satisfy the requirements in the General Selection Regulation and/or the applicable Schedule;
- 13.1.3 the Non-Selection Decision was affected by actual bias; or
- 13.1.4 there was no material on which the Non-Selection Decision could reasonably be based.



## **14. Notification of Intention to Appeal**

- 14.1 If a Non-Selected rider wishes to commence the appeal process, the rider must, within 48 hours of receiving written notification from Cycling New Zealand of the Non-Selection Decision, email the HPD (with copy to the Chief Executive with notification of the rider's intention to appeal the Non-Selection Decision).

## **15. Informal Meeting**

- 15.1 The next mandatory step is to hold an informal meeting between the Non-Selected rider and Cycling New Zealand (represented by the HPD and the Convenor of the relevant Selection Panel and/or another member of that Selection Panel, as decided by the Selection Panel).
- 15.2 As soon as practicable (i.e. preferably within 24 hours and no later than 3 Days after the HPD receives the email request from the rider (clause 14.1)), the HPD will notify the rider and the relevant Selection Panel of the proposed date, time and place or format of the informal meeting. If this proposal does not suit the expected attendees, an alternative date, time and format shall be agreed as soon as possible.
- 15.3 The informal meeting shall be held as soon as practicable and preferably within 7 Days of the notification to the rider of the Non-Selection Decision, unless otherwise agreed between the Non-Selected rider and Cycling New Zealand.
- 15.4 The purpose of this informal meeting is for the Selection Panel to explain the reasons for its Non-Selection Decision and for the Panel to answer any questions from the Non-Selected rider.
- 15.5 The informal meeting may be held in person or online or a hybrid of the two formats.
- 15.6 The informal meeting will be confidential and held on a without prejudice basis. Information exchanged and discussions held between those attending this meeting may not be used in any legal proceedings, including in any appeal to the Sports Tribunal, unless agreed between the Non-Selected rider and Cycling New Zealand.
- 15.7 The Non-Selected rider may have a support person present with them in the informal meeting, subject to clause 15.8. The rider must inform the HPD of who their support person is prior to the scheduled meeting time.
- 15.8 Neither Cycling New Zealand nor the rider may be legally represented at this informal meeting.

## **16. Appeal to Sports Tribunal**

- 16.1 If following the informal meeting, the Non-Selected rider wishes to proceed with their appeal against the Non-Selection Decision, the rider must, within 3 Working Days of the informal meeting:

- 16.1.1 file and serve with the Sports Tribunal a *Notice of Appeal* in the form prescribed by the Tribunal; (See [www.sportstribunal.org.nz/forms-proceeding-forms](http://www.sportstribunal.org.nz/forms-proceeding-forms)).
- 16.1.2 pay the appeal filing fee (as stated in the Rules of the Tribunal) to the Tribunal; and,
- 16.1.3 email a copy of the *Notice of Appeal* to the HPD, with a copy to the Chief Executive.
- 16.2 Within 5 Working Days of the Non-Selected rider filing the *Notice of Appeal*, or such other period as directed by the Tribunal, the rider must file and serve on the HPD, the Chief Executive and the Tribunal, an *Appeal Brief* (in the form prescribed by the Tribunal).
- 16.3 Within 5 Working Days of receiving the *Appeal Brief*, or such other period as directed by the Tribunal, Cycling New Zealand must file and serve on the rider a *Statement of Defence* in the form prescribed by the Tribunal.
- 16.4 The appeal shall proceed and be decided by the Sports Tribunal in accordance with the Rules of the Sports Tribunal.
- 16.5 The Non-Selected rider and Cycling New Zealand may be legally represented in the appeal proceedings.
- 16.6 The decision of the Sports Tribunal will be final and binding and there is no further right of appeal