

# **BikeNZ Incorporated**

## **Selection Regulation for BMX Teams**

Commencement Date 1 October 2014

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BikeNZ Incorporated  
Selection Regulation for Track Teams

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## 1. Overview

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- 1.1 **Commencement:** This Regulation was adopted by the Board on 22 September 2014 in accordance with the BikeNZ Constitution. It shall come into force on 1 October 2014 and will apply until 30 September 2015.
- 1.2 **Status:** Except where clause 2.2 (Exclusions) applies, this Regulation overrides all prior correspondence, discussions, and representations (whether written or oral) regarding selection to any BMX Team.
- 1.3 **Definitions:** Clause 14 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 BikeNZ website ([www.bikenz.org.nz](http://www.bikenz.org.nz)) or otherwise made available by BikeNZ.

## 2. Scope & Overall Purpose of this Regulation

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- 2.1 **Scope:** This Regulation sets out the procedure and criteria to be undertaken by BikeNZ to select BMX Teams to attend International BMX Competitions.
- 2.2 **Overall Purpose:** The overall purpose of this Regulation is to select BMX Teams to attend International BMX Competitions which will, in turn, assist in the qualification of New Zealand riders for the 2016 Olympic Games, and assist in the development of riders so that New Zealand can win medals at the 2016 Olympic Games.
- 2.3 **Exclusions:** This Regulation does not cover nomination or selection of riders to the Commonwealth Games or the Olympic Games. BikeNZ and the New Zealand Olympic Committee will issue specific selection documents for those competitions.

## 3. BMX Selection Panel

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- 3.1 **Composition:** BikeNZ has a BMX Selection Panel. The BMX Selection Panel is responsible for selecting riders to be part of BMX Teams in accordance with this Regulation. The BMX Selection Panel will generally have 3 members, namely:
- a. the Head BMX Coach;
  - b. the relevant BMX squad Coach; and
  - c. 1 other person appointed in accordance with the BikeNZ BMX Selection Panel Terms of Reference.

3.2 **Panel Members:** The names of the persons currently serving on the BMX Selection Panel will be specified on the BikeNZ website ([www.bikenz.org.nz](http://www.bikenz.org.nz)). These names will be updated by BikeNZ as required.

#### 4. Eligibility

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4.1 To be eligible to be selected to a BMX Team a rider must:

- a. be a New Zealand citizen;
- b. have a current Junior or Elite racing licence issued by BikeNZ or another federation affiliated with the UCI, with the nationality marked as "NZL";
- c. fully complete and return a Rider Application Form to BikeNZ unless alternative arrangements have been agreed with the High Performance Director;
- d. fully complete and return an Athlete Agreement to BikeNZ unless alternative arrangements have been agreed with the High Performance Director;
- e. attend any training sessions, training camps, trials and other events as required by BikeNZ;
- f. not be in breach of (or under investigation for) any part of the Sports Anti-Doping Act 2006, the UCI Anti-Doping Regulations, or the WADA Code;
- g. not be in breach of (or under investigation for) any breach of the BikeNZ Constitution or any rule or regulation of BikeNZ, or the UCI;
- h. not have any outstanding debts owed to BikeNZ;
- i. have provided BikeNZ with key contact details for communication purposes (including a current physical address, email address, and telephone number); and
- j. be eligible to represent New Zealand at the applicable International BMX Competition(s) for which the BMX 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 BMX Selection Panel may not consider the rider for selection.

## 5. BMX Teams

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- 5.1 **Selection of BMX Teams:** Unless BikeNZ determines otherwise, the BMX Selection Panel will select teams from the HP Squad to attend the following International BMX Competitions by the Selection Dates specified below.

International BMX Competition	Competition Date	Selection Date
2015 Manchester Supercross	18-19 April 2015	10 March 2015
2015 Papendal Supercross	9-10 May 2015	28 April 2015
2015 World BMX Championship Heusden-Zolder, Belgium	21-25 July 2015	23 June 2015
2015 Santiago Supercross, Argentina	5-6 September 2015	4 August 2015
2015 Rock Hill Supercross, South Carolina	25-26 September 2015	4 August 2015

- 5.2 **Continental Championships:** BikeNZ will not select a squad or team to compete in the Oceania Championships (CC) to be held in Brisbane on 30 April 2015 where entry is open to all riders who have a valid licence issued by BikeNZ for 2015.
- 5.3 **Changes:** Without limiting the Board's power under clause 1.4 (Amendment), the High Performance Director may, in his sole discretion, decide to send teams to attend other International BMX Competitions, or select riders from outside the HP Squad to attend other International BMX Competitions. If this occurs the High Performance Director shall ask the BMX Selection Panel to undertake selection. The selection process will be that specified in clause 6 of this Regulation (as modified for selection by the High Performance Director if applicable).
- 5.4 **Composition:** The composition of any BMX Team will be determined by BikeNZ in accordance with the rules of the applicable International BMX Competition and any other requirements of BikeNZ.

## 6. Selection Process

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- 6.1 **Consultation:** Prior to selecting any BMX Team, the BMX Selection Panel shall consult with the High Performance Director.
- 6.2 **Process:** The BMX Selection Panel:
- will act in accordance with the BikeNZ BMX Selection Panel Terms of Reference; and
  - only consider riders who have met the requirements in clause 4 (Eligibility); and

- c. in considering any rider for selection, may, in its discretion, consider:
  - i. the Factors specified in clause 7.1; and
  - ii. any Extenuating Circumstance in accordance with clause 9; and
- d. in making selection decisions for each BMX Team attending an International BMX Competition, shall put more weight on any ranking, results and performances as specified in clause 7.3; and
- e. must take into account the overall purpose specified in clause 2.2.

6.3 **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.

6.4 **No Guarantee:** Qualification by a rider for any International BMX Competition does not guarantee selection.

## 7. Factors

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

- a. the results and performances of the rider at any national or international competitions;
- b. the results and performances of the rider at any training sessions, training camps, trials or other events held by BikeNZ;
- c. 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;
- d. the likelihood (in the opinion of the BMX Selection Panel) that the rider could win a medal (or medals) at the 2016 Olympic Games;
- e. the results of any sports science tests (including biomechanical and physiological) conducted by or for BikeNZ involving the rider;
- f. the rider's attendance, attitude, and conduct at competitions, BikeNZ training sessions, training camps, trials and other events;
- g. the overall composition of the BMX Team for the International BMX Competition and the allocation of riders to compete in Events; and

h. any Extenuating Circumstance in accordance with clause 9.

7.2 **Consideration of Conditions:** In considering any results and performances of a rider at any competitions, training sessions, training camps, trials or any other BikeNZ events, the BMX Selection Panel may, but do not have to, take into account the conditions (such as the nature of the course, equipment used, wind, weather) if this information is available.

7.3 **Priority:** When considering whether to select a rider to the BMX Team to attend any International BMX Competition, the Selectors will put more weight on any results and performances which are listed in the order of importance (from most to least importance):

a. for Men Elite and Women Elite

i. Supercross results

ii. UCI C1 and CC event results

iii. BMXNZ CSE results;

b. for Men Juniors and Women Juniors

i. BMXNZ CSE results

ii. UCI C1 and CC event results.

## 8. Selection Trials

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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) determine that a selection trial (or trials) will be held. Trial(s) may be included as part of a training camp or otherwise as the High Performance Director considers appropriate.

8.2 **Invitation to Trial:** The High Performance Director may invite any riders he considers appropriate to participate in any trial. 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 BikeNZ.

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 BikeNZ of this in writing prior to the start of the trial.

## 9. Extenuating Circumstance

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- 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 BikeNZ 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 **Medical Examination:** In the case of any Extenuating Circumstance claim based on injury or illness, BikeNZ may request the rider undergo a medical examination by a medical practitioner nominated by BikeNZ and provide the opinion and/or report of that practitioner to BikeNZ. 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

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- 10.1 **Requirements:** Every rider who is selected to a BMX Team must:
- a. train in accordance with any competition and training programmes as directed by BikeNZ; and
  - b. agree to compete as a member of the BMX Team as directed by BikeNZ; and
  - c. complete any other reasonable requirements specified by BikeNZ.
- 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 BikeNZ, be suspended or removed from any BMX Team at any time. In addition, any rider may be suspended or removed from any BMX Team if he or she:
- a. fails to consistently maintain the level of performance and/or results expected by BikeNZ;
  - b. breaches or fails to comply with this Regulation or the Athlete Agreement, or appears to have done so;
  - c. 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 BikeNZ Constitution, Regulations, or any other requirements or directions of BikeNZ; or
    - iii. the Sports Anti-Doping Rules or the World Anti-Doping Code;



- d. brings him/herself, another rider, any BMX Team, BikeNZ, or the sport of cycling generally into disrepute; or
- e. has a significant illness or injury which the BMX Selection Panel consider prevents the rider from remaining in any BMX Team.

10.3 **Natural Justice:** BikeNZ 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)

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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.

## 12. Selection for the Start List

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

12.2 **Selection for the Start List:** Once a BMX Team is selected, the High Performance Director and/or the Head 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:

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

## 13. Appeals

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

- a. this Regulation has not been properly followed and/or implemented;
- b. the Appellant was not afforded a reasonable opportunity to satisfy the requirements in this Regulation;
- c. the decision not to select the Appellant was affected by actual bias; and/or
- d. 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 of his or her wish to appeal the decision. This notification must be made in writing and received by the Chief Executive within 48 hours from the date the selection or non-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 BikeNZ 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 directly to the Sports Tribunal provided that any notice of the appeal has been given in writing to the Chief Executive within 48 hours after the conclusion of the meeting described in clause 13.2b. Any appeal will be considered by the Sports Tribunal under the Rules of the Sports Tribunal of New Zealand; and
- 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:

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

## 14. Definitions

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14.1 In this Regulation, the following definitions apply:

“**Athlete Agreement**” means the agreement governing the relationship between the rider and BikeNZ as issued to the rider by BikeNZ.

“**BikeNZ**” means Bike NZ Incorporated.

“**BikeNZ Constitution**” means the constitution of BikeNZ.

**“BMX Championship Selection Event” or “CSE”** means the BMXNZ domestic series run over 4 races, full details of which will be published on the BikeNZ website ([www.bikenz.org.nz](http://www.bikenz.org.nz)) or as otherwise made available by BikeNZ..

**“BMX Selection Panel”** means the selection panel appointed in accordance with the BikeNZ BMX Selection Panel Terms of Reference.

**“BMX Team”** means any group of riders selected under this Regulation to attend an International BMX Competition and includes riders in the Elite Men, Elite Women, Junior Men and Junior Women divisions (as determined in accordance with the UCI Regulations).

**“Board”** means the Board of BikeNZ.

**“Chief Executive”** means the Chief Executive Officer of BikeNZ.

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

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

**“Factors”** means the factors specified in clause 7.1.

**“Head BMX Coach”** means the person appointed to this position by BikeNZ.

**“High Performance Director”** means the BikeNZ High Performance Director.

**“HP Squad”** means squads of riders targeted by the HP Programme for consideration for Olympic Games or Commonwealth Games.

**“International BMX Competition”** means an international BMX cycling competition for which BikeNZ is selecting a team, including those competitions specified in clause 5.1.

**“Junior or Elite”** means the competition category as defined in the UCI Rules.

**“Regulation”** means this BikeNZ Selection Regulation unless otherwise specified.

**“Rider”** means a person who wishes to be considered for selection to any BMX Team in accordance with this Regulation.

**“Rider Application Form”** means the application in the form set out in Schedule 1 which must be completed by every rider wishing to be considered for selection to any BMX Team.

**“Selection Date”** for each International BMX Competition, means the date that BikeNZ intends to announce selection of the BMX Team to attend that International BMX Competition, as indicated in clause 5.1 of this Regulation or as otherwise notified by BikeNZ

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

**“UCI”** means the Union Cycliste Internationale.