

BIRMINGHAM 2022 COMMONWEALTH GAMES
NOMINATION CRITERIA FOR SWIMMING EVENTS

Swimming New Zealand INC (SNZ)

1. Application of this Nomination Criteria

1.1 **Status:** This Nomination Criteria is issued by the Board and shall take effect from 11 February 2021. This Nomination Criteria supersedes any previous correspondence, discussions and representations (whether written or oral) by SNZ regarding nomination and selection for the Games.

1.2 **Scope:** This Nomination Criteria applies to:

- (a) all Athletes wishing to be considered for nomination to the Games Team to compete in the Games in a Swimming Event; and
- (b) SNZ, including its Selection Panel, that wish to nominate Athletes to NZOC to be considered for selection to the Games Team for the Games.

1.3 **Process:** Selection to the Games Team in an Swimming Event is a three-step process:

- (a) each Athlete must be eligible in accordance with clause 3 of this Nomination Criteria;
- (b) SNZ nominates Athletes to the NZOC in accordance with this Nomination Criteria and the NZOC Nomination and Selection Regulation; and
- (c) the NZOC selects Athletes to the Games Team in accordance with the NZOC Selection Policy and the NZOC Nomination and Selection Regulation.

2. Selection Panel

2.1 **Composition:** The Selection Panel have been appointed by the CEO and approved by the Board. The Selection Panel who will consider nomination of Athletes to NZOC to be considered for selection in the Games Team are:

- Brent Layton
- Phil Rush
- Gary Francis
- Nick Tongue

2.2 The Board reserves the right to change a member of the Selection Panel at any time in its absolute discretion prior to the Nomination Date. In such case, it will publish the change of Selection Panel member on the SNZ website.

3. Eligibility

3.1 **Athlete Eligibility:** To be eligible to be nominated to the NZOC by SNZ, an Athlete must:

- (a) have returned a completed Athlete Application to the NZOC, in the form prescribed by the NZOC by the following dates (“Application Date”):
 - i. no later than 5.00pm, 28 July 2021, where an Athlete is not a regular member of SNZ at this date; or
 - ii. no later than 5.00pm, 26 November 2021, where an Athlete is a regular member of SNZ or
 - iii. in exceptional circumstances before 5.00pm, 28 January 2022 (or such extended date as agreed by the NZOC Board) where SNZ provides the NZOC with evidence that demonstrates that Athlete could not have been reasonably in contemplation before 26 November 2021, provided the Athlete is a regular member of SNZ and
- (b) have returned a completed Athlete Agreement in the manner prescribed by the NZOC to NZOC prior to the Nomination Date; and
- (c) be a member of SNZ or one of its affiliates; and
- (d) is a New Zealand citizen and has a New Zealand passport; and
- (e) have demonstrated to the satisfaction of SNZ that they are not suffering any physical or psychological impairment that would prevent them from competing in the Games to the highest possible standard; and
- (f) have acted in such a manner so as not to bring the Athlete, the sport, SNZ or the NZOC into public disrepute; and
- (g) not be under investigation for any breach of any part of the SNZ and FINA’s anti-doping regulations, the Sports Anti-Doping Rules and/or the NZOC Integrity Regulation; and
- (h) no later than 28 July 2021 where the Athlete is not a regular member of SNZ or 28 January 2022 (or such extended date as agreed by the NZOC Board) has provided their name and contact address details to NZOC for the purpose of out of competition drug testing with Drug Free Sport New Zealand.

3.2 **Quota Restrictions:** SNZ acknowledges that the NZOC has placed an initial quota restriction of eight (8) athletes on SNZ for nomination of Athletes to the Games Team. Accordingly, the SNZ Selection Panel will not nominate more than eight (8) Athletes to the NZOC otherwise than as part of any reallocation process notified by the NZOC.

3.3 **Nomination if Nomination Criteria Met:** Provided the requirements set out in clause 3.1 and 3.2 are met, the Selection Panel shall nominate to NZOC for consideration of selection, those Athletes it considers meet the Nomination Criteria set out below.

3.4 **Reserve Athletes:** The Selection Panel may nominate Reserve Athletes to the NZOC for any Swimming Event.

4. **Nomination Criteria**

4.1 **Nomination Criteria:** In considering any Athlete for nomination to the NZOC, the Selection Panel shall consider:

- (a) the Over-Riding Nomination Criteria specified in clause 5.1; and
- (b) the Specific Nomination Factors specified in clause 5.2; and
- (c) any Extenuating Circumstances in accordance with clause 6.

4.2 **Relevance and Weighting:** The Selection Panel may determine the relevance and weight that they wish to place on any Specific Nomination Factor(s) and any Extenuating Circumstances(s) as they consider appropriate. No particular Specific Nomination Factor shall be weighed more or less significantly based on the order in which it appears in this Nomination Criteria unless expressly specified otherwise.

4.3 **Permission to Start:** At the sole discretion of the NZOC, Nominated Athletes may, on SNZ request permission to start in another Swimming Event where competing in this Swimming Event will not have any detrimental effect on the Swimming Event they have already been selected for.

4.4 **Own Enquiries:** In considering the Specific Nomination Factors, the Selection Panel may make such enquiries of the Athlete, or other persons, as they see fit.

4.5 **Conditions:** In considering any results and performances of an Athlete at any Qualifying Competitions, the 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 field of competition.

4.6 **Extenuating Circumstances:** In any decision regarding the nomination of Athletes to the Games Team, the Selection Panel may, in their sole discretion, take into account any Extenuating Circumstances in accordance with clause 6 below.

5. **Over-Riding Nomination Criteria and Specific Nomination Factors**

5.1 **Over-Riding Nomination Criteria:**

- (a) In determining whether or not to nominate an Athlete (or group of Athletes) to a Swimming Event, the Selection Panel must be satisfied overall that the Athlete (or group of Athletes):
 - (i) is or are capable of achieving a top 6 placing at the Games in the Swimming Event(s); or

- (ii) the group of Athletes for a Relay Event are capable of achieving a top 3 placing at the Games in the Relay Event(s); and
 - (iii) has or have a track record of sufficient quality and depth that the NZOC believes demonstrates that the Nominated Athlete(s) or group of Nominated Athlete(s) will be competitive at the Games and will perform creditably in that Swimming Event or Relay Event.
- (b) In determining whether or not the Athlete (or group of Athletes) satisfies the Over-Riding Nomination Criteria in clause 5.1(a)i, ii and/or iii above, the Selection Panel shall consider in priority order:

1) **Primary Criteria:** In relation to the Primary Criteria, the SNZ Selection Panel will only consider Athletes who have recorded a time within the **Qualifying Period (21st July 2021 – 9th April 2022)** at a Qualifying Competition that is equal to or faster than the Individual Swimming Qualifying Time in the Individual Swimming Event that the Athlete is seeking nomination for the Games Team. Time trials and split times will not be considered by the Selection Panel.

2) **Secondary Criteria:** As a Secondary Criteria the Selection Panel will consider Athletes:

- a. who record the fastest combination of times over the Qualification Period; and,
- b. who have recorded a time within the Qualifying Period at a Qualifying Competition that combined with other Athletes as a composite relay team achieves a Relay Qualifying Time; and
- c. all Athletes that meet the performance requirement must be available to swim Relay Events if called upon to do so.

Note: The composite time set out in 5.1(b)(2i) above, will be based upon the fastest combination of four swimming times in the Men's and Women's 100 and 200m Freestyle events and across the four 100m events (Backstroke, Breaststroke, Butterfly and Freestyle) recorded within the Qualifying Period. These times will be added together and a total allowance of 1.5s seconds will be deducted to allow for relay changeovers.

3) **Final Criteria:** The Selection Panel may consider Athletes who are considered by the Selection Panel in its sole discretion, to have demonstrated the ability to meet the Over-Riding Nomination Criteria set out in 5.1(a i) or 5.1(a ii) and 5.1 (a iii) during the Qualification Period at Qualification Competitions.

5.2 **Specific Nomination Factors:** When considering the Over-Riding Nomination Criteria above, the Selection Panel may also take into account any one or more of the following factors about an Athlete within the Qualification Period:

- (a) any other performances or results in competitions / events in addition to the Qualification Competitions;

- (b) adequate fitness and a commitment to maintain a fitness and training programme as agreed with the applicable coach(es);
- (c) demonstrated good behaviour, including a commitment to training and attendance at training camps;
- (d) demonstrated compatibility with others in a team environment;
- (e) demonstrated compliance with the rules of events and competitions;
- (f) understanding and respect for the obligations that accompany being a member of a New Zealand team when competing at the Games, including respect for Games Team members;
- (g) willingness to promote SNZ in a positive manner;
- (h) demonstrated ability to take personal responsibility for self and their results;
- (i) proven ability to be reliable; and
- (j) any other factor(s) the Selection Panel consider relevant.

5.3 **Ranking:** SNZ has been provided an initial allocation of eight (8) quota places and may only nominate up to eight (8) to the NZOC for consideration of Selection. The Selection Panel shall, no later than 14 April 2022, examine the credentials of all Athletes for Swimming Events. If there are more Athletes who meet the Over-riding Criteria set out in clause 5.1 (as determined by 5.2(b)) than quota places available, then nomination will be decided by the Selection Panel by prioritizing in the following order:

- (a) If after applying the Primary Criteria, there are more athletes who meet the Primary Criteria than quota places available then the Athletes will be prioritized in the following order preference:
 - i. an Athlete's 2021 Commonwealth Ranking (published as at 9 August 2021) This is established by taking the Athlete's 2021 FINA World Ranking and removing non-Commonwealth countries as well as limiting 3 athletes per nation; then
 - ii. If Athletes are still tied after consideration of clause 5.3(a)(i) then the Selection Panel will rank Athletes by their best Individual Swimming Qualifying Time against the 2021 Commonwealth rankings to determine their likely placing at the Games. In the event there is still a tie, the Selection Panel will rank Athletes by their second best Individual Swimming Qualifying Time against the 2021 Commonwealth rankings to determine their likely placing at the Games.
- (b) In the event there are more Athletes who meet the Secondary Criteria (after Primary Criteria Athletes have been allocated quota places) than the remaining quota, then the group of Athletes will be prioritized by Selection Panel by ranking

Athletes using their Relay Qualifying Time against the 2021 Commonwealth rankings to determine their likely placing at the Game

- (c) In the event that there are not enough quota places available to nominate all 4 Athletes who have achieved the Relay Qualifying Time as per the Secondary Criteria, then no Athletes can be nominated until such time that places become available as per the Reallocation process in Clause 7.4.
- (d) In the event there are more Athletes who meet the Final Criteria (after the Primary and Secondary Criteria have been allocated quota places) than the remaining quota then the Athletes will be prioritised by the Selection Panel based on:
 - (i) the ability for the Athlete to form a team in a Relay Event with other Nominated Athletes; then
 - (ii) who has the highest 2021 Commonwealth Ranking (as at 9th August 2021); then
 - (iii) if Athletes are still tied after consideration of clauses 5.3(d)(i) and (ii) then the Selection Panel will rank Athletes by their best Individual Swimming Event time (3 per nation) against the 2021 FINA World Rankings. In the event there is still a tie, the Selection Panel will rank Athletes by their second-best Individual Swimming Event time against the 2021 FINA World Rankings (published as at 14th August 2021).

6. Extenuating Circumstances

6.1 **Extenuating Circumstances:** In considering the nomination of Athletes in accordance with this Nomination Criteria, the Selection Panel may, in their sole discretion, give weight to any Extenuating Circumstances which may include, but are not limited to, the following:

- (a) injury or illness;
- (b) travel delays;
- (c) equipment failure;
- (d) bereavement or personal misfortune; and/or
- (e) any other factors reasonably considered by the Selection Panel to constitute extenuating circumstances.

6.2 **Athlete to Advise:** Athletes unable to compete at Qualification Competitions, or other attendances required under this Nomination Criteria, must advise the CEO of the Extenuating Circumstances and reasons, in writing, with as much advance notice as possible and ideally seven (7) days prior to the commencement of the Qualifying Competitions or other attendance. If the CEO is not notified of any Extenuating Circumstances in accordance with this Nomination Criteria, then the Selection Panel have no obligation to rely on such circumstances.

- 6.3 **Medical Certificate:** In the case of injury or illness, Athletes may be required by the CEO to provide a medical certificate and/or to undergo an examination by a health practitioner/s nominated by the CEO, and to provide that opinion and/or report to the Selection Panel. Any failure to agree to such a request may result in the Selection Panel being unable to consider the injury or illness as an Extenuating Circumstance.
- 6.4 **Case by Case:** In the case of any Extenuating Circumstance/s, the Selection Panel will make a decision on a case-by-case basis.

7. Nomination and Selection

- 7.1 **Nomination to NZOC:** SNZ will nominate Athletes (“Nominated Athletes”) and any Reserve Athletes to the NZOC by the Nomination Date.
- 7.2 **Nomination with Conditions:** SNZ may nominate an Athlete with any conditions, for example, conditions relating to recovery from injury or continuing to meet specified performance levels. If the conditions are not met to the satisfaction of the Selection Panel, they will not be eligible for selection, unless the NZOC decides to select the Nominated Athlete subject to those or other conditions.
- 7.3 **Selection by NZOC:** Selection to the Games Team by the NZOC will be made in accordance with the NZOC Nomination and Selection Regulation.
- 7.4 **Reallocation:** In the event that further quota places are offered by the NZOC, Athletes who have met the Nomination Criteria set out in clauses 3 and 4.1 but not nominated to the NZOC for an Swimming Event at the initial Nomination Date, may be nominated on the Reallocation Date by the Selection Panel.

8. Appeal Procedure

- 8.1 **Non-Nomination Appeals:** An Athlete may appeal to SNZ against their non-nomination to the NZOC by the SNZ provided that the Athlete:
- (a) is on the SNZ long list for the Games; and
 - (b) meets the eligibility criteria under clause 3 of this Criteria.
- 8.2 **Procedures for Non-Nomination Appeals:** Any appeal under criteria 8.1 of this Criteria must be made in accordance with the procedures set out in clause 13 of the NZOC Nomination and Selection Regulation.
- 8.3 **Procedures for Non-Selection Appeals:** If a Nominated Athlete is not selected by the NZOC, the Nominated Athlete may appeal the non-selection in accordance with the procedures set out in clause 14 of the NZOC Nomination and Selection Regulation provided that the Nominated Athlete:
- (a) is on the SNZ long list for the Games; and

(b) meets the eligibility criteria under clause 3 of this Criteria.

9. Inconsistencies

9.1 **NZOC Nomination and Selection Regulation:** In the event there is any inconsistency between this Nomination Criteria and the NZOC Nomination and Selection Regulation, the NZOC Nomination and Selection Regulation shall prevail.

10. Amendments to this Nomination Criteria

10.1 **Prior to Nomination Date:** This Nomination Criteria may be amended or supplemented from time to time by the Board, before the Nomination Date, provided NZOC has approved the amendment/s and supplement/s.

10.2 **Notice:** The Board will give as much notice as possible of any amendment/s or supplement/s made under clause 10.1 to this Nomination Criteria, to persons it considers may be affected by any such amendment/s or supplement/s.

11. Definitions

11.1 **Application Date** means the dates set out in clause 3.1(a) of this Criteria, by which Athletes must submit to NZOC a completed Athlete Application in accordance with clause 8.3 of the NZOC Nomination and Selection Regulation.

11.2 **Athlete** means a person who wishes to be considered for nomination to the Games Team.

11.3 **Athlete Agreement** means the agreement that must be completed by any Athlete wishing to be considered for nomination and selection to the Games Team in accordance with clause 8.4 of the NZOC Nomination and Selection Regulation.

11.4 **Athlete Application** means the form set by the NZOC that must be completed by any Athlete applying to be nominated and selected to the Games Team.

11.5 **Board** means the Board of SNZ as constituted under the Constitution.

11.6 **CEO** means the Chief Executive Officer of SNZ and includes his / her nominee.

11.7 **CGF** means the Commonwealth Games Federation.

11.8 **Constitution** means the Constitution of SNZ.

11.9 **Extenuating Circumstances** means the inability to perform at an optimum level arising from one or more of the reasons set out in clause 6.1.

11.10 **FINA** means the Federation Internationale De Natation, (the international federation for swimming).

- 11.11 **Games** means the Birmingham 2022 Commonwealth Games to be held in Birmingham, England between 28 July – 8 August 2022.
- 11.12 **Games Team** means the New Zealand Team at the Games selected in accordance with the NZOC Selection Policy for the Games.
- 11.13 **Individual Swimming Event** means one of the following events in the Games in which an Athlete competes:

Men's Event	Women's Event
50m Backstroke	50m Backstroke
50m Breaststroke	50m Breaststroke
50m Butterfly	50m Butterfly
50m Freestyle	50m Freestyle
100m Backstroke	100m Backstroke
100m Breaststroke	100m Breaststroke
100m Butterfly	100m Butterfly
100m Freestyle	100m Freestyle
200m Backstroke	200m Backstroke
200m Breaststroke	200m Breaststroke
200m Butterfly	200m Butterfly
200m Freestyle	200m Freestyle
400m Freestyle	400m Freestyle
1500m Freestyle	800m Freestyle
200m Individual Medley	200m Individual Medley
400m Individual Medley	400m Individual Medley

- 11.14 **Individual Swimming Qualifying Time** means the 16th best swimming time achieved at the Tokyo 2020 Olympic Games (or, if the 16th time is slower **than the FINA A time set out in the FINA Tokyo 2020 Qualification System then the FINA A time shall take its place**). The Individual Swimming Qualifying Times for each Individual Swimming Event will be published on the SNZ website no later than 5.00pm **on 13th August 2020**. Nominated Athlete means an Athlete who has been nominated by SNZ to the NZOC for consideration of selection to the Games Team.
- 11.15 **Nomination Criteria** means the criteria made up of the Over-Riding Nomination Criteria and the Specific Nomination Factors and is also referred to as **"this Criteria"**.
- 11.16 **Nomination Date** means on or before 14 April 2022 (and includes any alternative date as agreed between NZOC and SNZ) by which SNZ must submit any Nominated Athletes to the NZOC.
- 11.17 **NZOC** means the New Zealand Olympic Committee Incorporated.
- 11.18 **NZOC Integrity Regulation** means the NZOC Integrity Regulation available at <http://www.olympic.org.nz/about-the-nzoc/governance-documents/>.
- 11.19 **NZOC Nomination and Selection Regulation** means the regulation of NZOC relation to the nomination and selection Process for all Olympic and Commonwealth games, including the Games, available at <http://www.olympic.org.nz/about-the-nzoc/governance-documents/>.

11.20 **NZOC Selection Policy** means the NZOC Selection Policy for the Games, available at <http://www.olympic.org.nz/assets/Uploads/Birmingham-2022-Selection-Policy-Final.pdf>.

11.21 **Over-Riding Nomination Criteria** means the criteria set out in clause 5.1.

11.22 **Qualification Competition** means a competition approved by FINA within the Qualification period

11.23 **Qualification Period** means the period between 24 July 2021 – 9 April 2022.

11.24 **Reallocation Date** means on or before 3 June 2022 (and includes any alternative date as agreed between the NZOC and SNZ) by which SNZ must submit any further Nominated Athletes to the NZOC, should additional quota places become available to the NZOC.

11.25 **Relay Event** means one of the following events in which Athletes compete together at the Games:

Men's Events	Women's Events	Mixed Events
4 x 100m Freestyle Relay	4 x 100m Freestyle Relay	4 x 100m Freestyle Mixed Relay
4 x 100m Medley Relay	4 x 100m Medley Relay	4 x 100m Medley Mixed Relay
4 x 200m Freestyle Relay	4 x 200m Freestyle Relay	

11.26 **Relay Qualifying Time** means a time that is equal to or better than the 10th fastest time achieved at the Tokyo 2020 Olympic Games in the relevant Relay Event. The Relay Qualifying Times for each Relay Event will be published on the SNZ website no later than 5.00pm on 14th August 2020.

11.27 **Reserve Athletes** means a travelling and/or non-travelling reserve, as designated by the Selection Panel.

11.28 **Specific Nomination Factors** means the factors listed in clause 5.3 which the Selection Panel may take into account when applying the Over-Riding Nomination Criteria.

11.29 **Selection Panel** means the panel of selectors appointed by SNZ in accordance with clause 2 of this Nomination Criteria.

11.30 **SNZ** means Swimming New Zealand Incorporated.

11.31 **Swimming Event** means an Individual Swimming Event or a Relay Event in the Games in which an Athlete competes either alone or together with other Athletes.