

TOKYO 2020 OLYMPIC GAMES
NOMINATION CRITERIA FOR MARATHON SWIMMING EVENTS

SWIMMING NEW ZEALAND INCORPORATED

1. Application of this Nomination Criteria

- 1.1 This Nomination Criteria is issued by the Board of Swimming New Zealand.
- 1.2 This Nomination Criteria shall take effect from 12 June 2020 and amended 2 July 2020 and supersedes the Tokyo 2020 Olympic Games Nomination Criteria for Marathon Swimming Events dated 5 December 2018 and subsequently amended on 15 October 2019.
- 1.3 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 Marathon Swimming Event; and
 - (b) Swimming New Zealand, including its Selectors, that wish to nominate Athletes to NZOC to be considered for selection to the Games Team for the Games.

2. Selectors

- 2.1 **Composition:** The Selectors have been appointed by Swimming New Zealand Chief Executive. The Selectors who will consider nomination of Athletes to NZOC to be considered for selection in the Games Team are:
- *Brent Layton*
 - *Anna Cleaver*
 - *Philip Rush*
 - *Nick Tongue*

3. Nomination Procedure

- 3.1 **Conditions of Nomination:** The Selectors may only consider an Athlete for nomination if the Athlete has satisfied the following conditions of nomination:
- (a) 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 23 September 2020; and
 - ii. in exceptional circumstances before 23 January 2021 (or such extended date as agreed by the NZOC Board), where Swimming NZ provides NZOC with evidence that demonstrates that the Athlete could not have been reasonably in contemplation on 23 September 2020; and

- (b) returned a completed Athlete Agreement to the NZOC, in the form prescribed by the NZOC prior to the Nomination Date; and
- (c) demonstrated to the satisfaction of Swimming New Zealand that they are not suffering any physical or mental impairment that would prevent them from competing in the Games to the highest possible standard; and
- (d) acted in such a manner so as not to bring the Athlete, the sport, Swimming New Zealand or the NZOC into public disrepute; and
- (e) received an invitation by name by FINA to participate in the Games; and
- (f) to Swimming New Zealand's knowledge has not used or administered any substance which, if it had been detected as being present in the Athlete's body tissue or fluids, would have constituted doping, or used any prohibited method or committed any other doping offence as defined in Swimming New Zealand, FINA's or NZOC's Integrity Regulation; and
- (g) from 23 January 2021 (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 **Qualification:** New Zealand must qualify for places in a Marathon Swimming Event(s) in accordance with FINA's Qualification System for Tokyo 2020 Olympic Games ("FINA Qualification System") and/or FINA's requirements for the Games. Qualification for a place in any Marathon Swimming Event by an Athlete does not guarantee that Athlete will be nominated or selected to compete in the Marathon Swimming Event at the Games.

3.3 **Nomination if Nomination Criteria Met:** Provided the requirements set out in clause 3.1 and 3.2 are met, the Selectors shall nominate to the NZOC on the Nomination Date those Athletes it considers meet the Nomination Criteria set out below;

4. Nomination Criteria

4.1 **Nomination Criteria:** The Swimming New Zealand Nomination Criteria for nomination to the Games Team is made up of two parts:

- (a) the Over-Riding Nomination Criteria specified in clause 4.2; and
- (b) the Specific Nomination Factors specified in clause 4.3.

4.2 **Over-Riding Nomination Criteria:**

- (a) In determining whether or not to nominate an Athlete to a Marathon Swimming Event, the Selectors must be satisfied overall that the Athlete:
 - i. is capable of achieving a top 16 placing at the Games in the Marathon Swimming Event, with the potential to win an Olympic Diploma (top 8

placing); and

- ii. has a track record of sufficient quality and depth that Swimming New Zealand believes demonstrates the Athlete will be competitive at the Games and will perform creditably in the Marathon Swimming Event.

- (b) In determining whether or not the Athlete has met the Over-Riding Nomination Criteria for Marathon Swimming Events in clause 4.2(a) above, the Selectors will consider the Athlete's performances and results in following Key Events **as follows, in order of preference:**

Men / Women

- i. **Primary Criteria**

The Athlete achieving a top ten placing at the 18th FINA World Championships in Gwangju (KOR) 12 – 28 June 2019; then

- ii. **Secondary Criteria**

Where no athlete has met the Primary Criteria above, then as a Secondary Criteria, (subject to the Athlete meeting the Over-Riding Nomination Criteria in clause 4.2(a)), the Athlete achieving a top nine placing at the FINA Olympic Marathon Swim Qualifier in Fukuoka, Japan, 29-30 May 2021.

- iii. **No Continental Representation**

For the sake of clarity, should the NZOC receive an invite from FINA for Athletes to participate in the Games on a continental representation basis, the invite shall be declined.

- 4.3 **Specific Nomination Factors:** When considering the Over-Riding Nomination Criteria above, the Selectors may also take into account any one or more of the following factors about an Athlete:

- (a) any other performances or results in competitions / events in addition to the Key Events;
- (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 team members and support staff;
- (g) willingness to promote Swimming New Zealand 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 Selectors consider relevant;

4.4 **Own Enquiries:** In considering any one or more of the above factors, the Selectors may make such enquiries of the Athlete, or other persons, as they see fit.

4.5 **Weight to be Given to Specific Nomination Factors:** The Selectors may give weight to any one or more of the Specific Nomination Factors and, if they do, to apply such weighting to one or more Athletes. No particular factor shall be weighted more or less significantly by reason only of the order in which that factor appears in this Nomination Criteria.

4.6 **Extenuating Circumstances:** In any decision regarding the nomination of Athletes to the Games Team, the Selectors may, in their sole discretion, take into account any extenuating circumstances in accordance with clause 5 below.

4.7 **Nomination Procedure:** After consideration of this Nomination Criteria, the Selectors shall follow the procedure set out in clause 9 of the NZOC Nomination and Selection Regulation.

5. Extenuating Circumstances

5.1 **Extenuating Circumstances:** In considering the nomination of Athletes in accordance with this Nomination Criteria, the Selectors 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 Selectors to constitute extenuating circumstances.

5.2 **Athlete to Advise:** Athletes unable to compete at events, trials, or other attendances required under this Nomination Criteria, must advise the Chief Executive 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 event, trial or other attendance. If the

Chief Executive is not notified of any extenuating circumstances in accordance with this Nomination Criteria, then the Selectors have no obligation to rely on such circumstances.

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

6. Appeal Procedure

- 6.1 **Nomination Appeals:** An Athlete may appeal to Swimming New Zealand against their non-nomination to the NZOC by the Selectors provided that the Athlete has returned a completed:
- (a) Athlete Application to the NZOC by the Application Date; and
 - (b) Athlete Agreement to the NZOC by the Nomination Date.
- 6.2 **Procedures for Nomination Appeals:** Any appeal under paragraph 6.1 must be made in accordance with the procedures set out in clause 13 of the NZOC Nomination and Selection Regulation.

7. Inconsistencies

- 7.1 **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.
- 7.2 **FINA Qualification System:** If this Nomination Criteria imposes a higher qualification standard or a lesser number of participants than stated by the FINA Qualification System, this shall not be regarded as an inconsistency.

8. Amendments to this Nomination Criteria

- 8.1 **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.
- 8.2 **Notice:** The Board will give as much notice as possible of any amendment/s or supplement/s made under clause 8.1 to this Nomination Criteria, to persons it considers may be affected by any such amendment/s or supplement/s.

9. Definitions

- 9.1 **Application Date** means the dates set out in clause 3.1(a), by which Athletes must submit a completed Athlete Application in accordance with clause 8.3 of the NZOC Nomination and Selection Regulation.
- 9.2 **Athlete** means a person who wishes to be considered for nomination to the Games Team.
- 9.3 **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.
- 9.4 **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.
- 9.5 **Board** means the Board of Swimming New Zealand as constituted under the Constitution.
- 9.6 **Chief Executive** means the Chief Executive Officer of Swimming New Zealand and includes his / her nominee.
- 9.7 **Constitution** means the Constitution of Swimming New Zealand.
- 9.8 **FINA** means the International Swimming Federation.
- 9.9 **Games** means the 2020 Olympic Games to be held in Tokyo, Japan from 23 July – 8 August 2021.
- 9.10 **Games Team** means the New Zealand Team at the Games selected in accordance with the NZOC Selection Policy for the Games.
- 9.11 **Key Events** means those competitions listed in clause 4.2(b).
- 9.12 **Marathon Swimming Event** means the men’s or women’s 10km marathon swimming events at the Games.
- 9.13 **Nominated Athlete** means an Athlete who has been nominated to the NZOC by Swimming New Zealand.
- 9.14 **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”.
- 9.15 **Nomination Date** means on or before 4 June 2021 (and includes any alternative date as agreed between NZOC and Swimming New Zealand) by which Swimming New Zealand must submit any Nominated Athletes to the NZOC.
- 9.16 **NZOC** means the New Zealand Olympic Committee Incorporated.

- 9.17 **NZOC Nomination and Selection Regulation** means the regulation of the NZOC relation to the nomination and selection process for all Olympic and Commonwealth games, including the Games.
- 9.18 **Over-Riding Nomination Criteria** means the criteria set out in clause 4.2 4.2.
- 9.19 **Selectors** means the selectors appointed by Swimming New Zealand in accordance with clause 2 of this Nomination Criteria.
- 9.20 **Specific Nomination Factors** means the nomination factors set out in clause 4.3.
- 9.21 **Swimming New Zealand** means Swimming New Zealand Incorporated.