

CYCLING AUSTRALIA

***SELECTION POLICY
AND APPEALS PROCESS***

FOR

***UCI WORLD
CHAMPIONSHIPS***





Cycling Australia Ltd trading as
CYCLING AUSTRALIA (CA)

SELECTION POLICY AND APPEALS PROCESS FOR UCI WORLD CHAMPIONSHIPS

PREAMBLE

Cycling Australia (CA) is the national body responsible for the sport of cycling in Australia as recognised by the International Cycling Union (UCI), the Australian Government through the Australian Sports Commission (ASC), the Australian Olympic Committee (AOC), Commonwealth Games Australia (CGA) and the Australian Paralympic Committee (APC).

Regardless of the cycling discipline, the UCI recognises CA as the sole body responsible for Cycling in Australia. CA holds all rights and is responsible for all World Championship Teams (WCT).

This Selection Policy applies to all athletes who are potentially eligible to be considered for selection in the WCT (regardless of discipline). Refer to the discipline specific criteria for specific event information.

1. OBJECTIVES

The respective National Selection Panel (Panel) for each discipline will select athletes who they consider in their absolute discretion will have the best chance of meeting one or both of the following objectives, in weighted order:

- 1.1.** athletes and/or combinations of athletes capable of achieving medal winning results at UCI World Championships; and/or
- 1.2.** athletes considered to be on a medal trajectory for either the 2020/24 Olympics/Paralympics, or medal trajectory for 2018 through 2024 World Championships in Olympic/Paralympic events

2. ELIGIBILITY AND SELECTION CRITERIA

2.1. General Eligibility Criteria

To be eligible for consideration for selection in the WCT, athletes must:

- 2.1.1** Be an **Australian citizen**.
- 2.1.2** Have a **current racing licence** issued by CA or another federation affiliated with the UCI with the nationality marked as 'AUS'.

- 2.1.3** Have read, signed and returned the execution page of the current **CA National Team Agreement**.
- 2.1.4** Have read, signed and returned the **CA No Doping Declaration** and declared that their circumstances have not changed since submitting the declaration.
- 2.1.5** Agree to participate in and meet all **competition, training and participation requirements** as determined by the CA Performance Director (PD) and/or National Discipline Coach/Technical Director.
- 2.1.6** **Be available for sample collection** and have provided accurate and up-to-date whereabouts information on a regular basis as directed by UCI and/or the Australian Sports Anti-Doping Authority (ASADA), under any relevant recognised Anti-Doping Policies including those of UCI and CA and the World Anti-Doping Code.
- 2.1.7** **Not have breached the Anti-Doping Policies** of UCI or CA nor have had a sanction imposed which has not been completed. For the purpose of considering eligibility for selection, a breach of an Anti-Doping Policy may include:
- a. an athlete under investigation for an Anti-Doping Rule Violation (ADRV) where an infraction notice has been issued or the athlete has been stood down under UCI and/or CA Anti-Doping Policies; or
 - b. a failure to comply with an athlete's obligations under either UCI or CA Anti-Doping Policy, even if such a breach does not result in an ADRV.
- 2.1.8** Have completed **ASADA Anti-Doping Education**: To be eligible for consideration for selection, all athletes must be up to date and fully compliant with ASADA Anti-Doping Education (ASADA e-learning), and therefore have completed, and be current at the end of the discipline nomination period, with all online updates. Please refer to: <http://www.asada.gov.au/education/index.html> for more information.
- 2.1.9** **Not be suspended** from the sport for any reason.
- 2.1.10** **Not have been found guilty of an ADRV** nor served a period of suspension where the consequent penalty applied was a two-year suspension or greater.
- 2.1.11** Not currently be **under investigation as a result of any indictable criminal charge** (even where such charge has been heard summarily) having been brought against them, nor be currently serving a penalty issued by a Court as a result of an indictable criminal charge being proven, unless he/she is able to satisfy the CA Board (at its sole discretion) that exceptional circumstances (in the context of the charge and/or penalty) apply. Where the Board is satisfied that exceptional circumstances apply, the athlete may be considered for selection in a WCT in accordance with these selection criteria. Any request for the Board to consider an athlete's particular circumstances must be submitted to the Board in writing. The Board is not obliged to consider any request made under this clause.

2.2. General Performance Selection Criteria

Performance criteria that may be considered in considering athletes for selection include:

- 2.2.1** Podium performance history at international benchmark competitions (World Championships and Olympics).
- 2.2.2** National discipline coach/technical director assessment of the athlete's ambition and demonstrated commitment to their performance plan and objectives.
- 2.2.3** The athlete's potential to contribute to Olympic/Paralympic qualifying places leading into the next Olympic/Paralympic Games.
- 2.2.4** The athlete's performance trials and testing as directed by the national discipline coach/technical director.
- 2.2.5** The athlete's technical and tactical execution in training and competition.
- 2.2.6** The athlete's consistency in training and performance against agreed objectives and/or benchmarks.
- 2.2.7** The athlete's commitment to attendance, performance, attitude, conduct and performance behaviours in training whilst a member of a high-performance program recognised by CA's high-performance team.
- 2.2.8** Priorities of cycling events as set out in the CA Australian Cycling Team Strategic Plan.

These criteria are not listed in any order of priority or importance and none of them has any particular weighting. None of them need be considered.

2.3. Specific Discipline Performance Criteria

- 2.3.1** An athlete may also be considered for selection to a WCT against any specific performance criteria for their respective discipline.
- 2.3.2** If performance time periods apply these will be set out in any relevant specific discipline criteria.

2.4. Amendment to Selection Criteria

- 2.4.1** These selection criteria and any specific discipline criteria may be amended or supplemented, particularly where matters arise which have not been provided for in these criteria. All amendments must be approved by the CA Board. If approved, the CA Chief Executive Officer (CEO) will use their best endeavors to notify all relevant parties in writing, of the criteria amendment or supplement, with as much notice as possible.

3. NATIONAL SELECTION PANEL (PANEL)

3.1. Panel members

3.1.1 Subject to clause 3.1.2, the Panel for the WCT will consist of the Australian Cycling Team's Performance Director, the Head of Coaching and Performance Pathways, the Team Operations Manager, the National Senior Discipline Coach/Technical Director and a person (endorsed by the CA Board or its authorised nominee) that has experience and understanding of cycling or high-performance sport and with suitable skills for membership of the Panel.

3.1.2 For U19 Olympic events, CA may choose to appoint a Panel that will consist of the Australian Cycling Team's Head of Coaching and Performance Pathways, the National Junior Coach, the Team Operations Manager (and a person (endorsed by the CA Board or its authorised nominee) that has experience and understanding of cycling or high-performance sport and with suitable skills for membership of the Panel.

3.2. Role of the Panel

3.2.1 Each Panel (for each discipline) is responsible for considering athletes for selection in accordance with these selection criteria including general eligibility criteria, general performance criteria and specific discipline criteria.

3.2.2 Each Panel member will consider and vote on athlete selection in good faith, without bias and otherwise in accordance with these selection criteria. If the Panel cannot agree, the PD will have the final selection decision, except for Junior-only events where the Head of Performance Pathways and People will have the final selection decision.

3.2.3 The PD shall perform the role of convener of each Panel. The PD shall be responsible for facilitating and monitoring procedures in accordance with these criteria and directing the administration of the processes of endorsement and advice to athletes.

3.2.4 Athletes may be added or deleted from a WCT at the sole discretion of the Panel, subject to their performances and obligations in accordance with these criteria.

3.3. Size of WCT

3.3.1 The maximum WCT size is subject to UCI allocated quotas. CA reserves the right to not fill any WCT quota. Unless otherwise determined by the CA Board, the PD may exercise the right of CA under this clause to not fill all UCI quotas. Where athletes exceed qualified quotas, the Panel in its sole discretion will determine which athletes are to be selected.

3.4. Reserves

3.4.1 Reserves may be identified for any event. The Panel may reconvene at any time between selection and competition to replace a previously selected athlete for reasons which may include failure to maintain performance at the level which earned selection, or for non-compliance with the CA National Team Agreement.

4. EXTENUATING CIRCUMSTANCES

- 4.1.** In considering athletes' performances under these criteria, the PD may consider and approve "extenuating circumstances".
- 4.2.** For the purposes of clause 4.1 above, extenuating circumstances means an inability to compete, attend training camps or perform at an optimum level arising from:
- a) Injury or illness.
 - b) Travel delays.
 - c) Equipment failure.
 - d) Bereavement or personal misfortune.
 - e) A direction from the National Senior Discipline Coach/Technical Director that the athlete not compete at or attend one or more training camps or events to ensure optimal management of the athlete's overall competition load, where such direction is approved by the PD.
 - f) Any other factors reasonably considered by the PD to constitute extenuating circumstances.
- 4.3.** Athletes unable to compete, attend training camps or perform at an optimum level must advise and seek approval from the PD of this fact and the reasons for the inability, with as much advance notice as possible (ideally at least seven days) prior to the commencement of the competition, training camp or other performance that may be required for consideration under these selection criteria.
- 4.4.** In the case of injury or illness, athletes must undergo a medical examination by a doctor or doctors nominated by the PD.
- 4.5.** A decision in each case of advised, possible extenuating circumstances may be made by the PD on an individual basis. The PD is not obliged to consider any notification by an athlete under this clause 4. There is no appeal against any decision made in respect of extenuating circumstances.

5. SCHEDULE FOR SELECTION PROCESS

- 5.1.** The timeframe for the process for consideration for selection to a WCT will be advised to all relevant parties as soon as it is determined.

6. COMMUNICATION

- 6.1.** It is the responsibility of each athlete who has indicated his or her wish to be considered for selection to ensure that their full contact details have been provided to the GM. This information is crucial to enable the monitoring of an athlete's progress, to be able to communicate important information to an athlete, and for an athlete to ensure compliance with the obligations of providing whereabouts information in accordance with the CA Anti-Doping Policy and the World Anti-Doping Code.

6.2. All correspondence should be forwarded to:

Paul Brosnan
General Manager
Australian Cycling Team
Postal – PO Box 646, Enfield Plaza, SA, 5085
Phone – 08 8360 5888 / 0400 136 040
Email – paul.brosnan@cyclinq.org.au

6.3. It is also the ultimate responsibility of the athlete to communicate with the National Senior Discipline Coach/Technical Director as to the progress of their training and competition program and to provide a record of current results and performances achieved, particularly those that may be relevant to these selection criteria. In order to facilitate this process, such information may be forwarded through the GM.

7. APPEALS

An athlete may appeal against non-selection in a WCT. The process for such appeal is as follows:

7.1. Grounds of Appeal

7.1.1 A non-selected athlete may appeal against a decision of the Panel under this policy on the sole ground that the Panel did not properly follow or implement the process in these selection criteria. There is no appeal on the merits of any particular selection decision.

7.2. Procedure for Appeal

7.2.1 Any appeal against a decision of a Panel must be made within 48 hours of the athlete being advised of their non-selection.

7.2.2 The appeal must be lodged in writing to the CEO and accompanied by the prescribed fee of \$500 to the address below. If the matter does not proceed to a hearing or if the appeal is successful, the appeal fee may be refunded in part or in full.

7.2.3 All correspondence for appeals and proof of payment should be forwarded to:

Steve Drake
CEO Cycling Australia
PO Box 445, Collins Street West VIC 8007
Email – ceo@cyclinq.org.au

The prescribed fee is to be deposited by Electronic Funds Transfer:

Australian Cycling Federation
BSB 062 314
Account # 10108020

7.2.4 The appeal must set out:

- a. The decision in question; and
- b. The ground(s) on which the appeal is made; and
- c. The reasons or circumstances supporting the alleged ground of appeal.

7.2.5 Nothing in these criteria prevents the withdrawal of an appeal at any time in writing.

7.2.6 On receipt of a correct appeal under these criteria, the CEO must forward the appeal documents to the Selection Review Panel (SRP) without delay.

7.3. Constitution of Selection Review Panel (SRP)

7.3.1 The CA Board will appoint a SRP constituted by any three persons available to hear the appeal, but which must include the following:

- a. a person with legal training, experience in dispute resolution, or suitable experience in the process of determining selection appeals in sport, who will chair the SRP; and
- b. a person with experience and understanding of cycling or high-performance sport and with suitable skills for membership of the panel.

7.3.2 SRP Panel members must not be a party to or directly interested in the matter under consideration.

7.3.3 All members of the SRP must declare any possible conflict or perception of conflict of interest. The chair of the SRP will review any declaration and determine whether any particular member of the SRP cannot sit on a particular appeal.

7.4. Functions of the SRP

7.4.1 The SRP has no power of selection or re-selection. The SRP may review the matter set out in the appeal and may (as appropriate) refer the matter back to the relevant Panel for consideration.

7.5. Procedures for the SRP

The SRP shall, as soon as practical after receiving notice of the appeal, investigate and consider the matter and shall within seven days of receiving such notice, progress as follows:

7.5.1 Preliminary Assessment:

Upon request by the CEO, the chair of the SRP may conduct a review of the appeal in order to assess the strength of the appeal. The SRP chair may make contact with the appellant and/or the Panel, should it be required, for clarification or additional information in this preliminary assessment phase. If, after the review, the chair determines the appeal has:

- a. merit the appeal will progress to a hearing; or
- b. no merit the appeal will be dismissed and will not progress to a hearing and the matter will be closed. The appellant will then be informed in writing of such a finding.

7.5.2 If the matter is referred to a hearing the SRP shall, as soon as practicable, having regard to the timing of selection and proximity of relevant competition, direct the CEO to serve a notice in writing on the appellant:

- a. stating that the appellant may address the Panel's decision at a meeting to be held as soon as practicable;
- b. stating the date, place and time of that meeting; and
- c. informing the appellant that they may do any one or more of the following:

- i. Attend that meeting personally, by teleconference link or by his or her representative, not being legally trained or qualified; or
- ii. Give the SRP, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information supporting the appeal.

7.5.3 Any other athlete/s that may be affected by the outcome of an appeal shall also be notified and be:

- a. advised of the appeal and the ground(s) of appeal; and
- b. provided the opportunity to lodge a written submission or attend a hearing and provide evidence or be represented at the hearing by a nominated person/s (not being legally trained or qualified).

7.5.4 The Panel will also be requested to lodge a written statement outlining the reasons for its decision regarding non-selection of the appellant.

7.5.5 The SRP may conduct a meeting convened under these criteria (or any adjournment thereof) in such manner as it sees fit, but shall endeavour to:

- a. give the appellant, affected athlete/s and the Panel every opportunity to be heard.
- b. give due consideration to any written statement by the appellant.
- c. allow all relevant parties to be present along with their adult representative (not being legally trained or qualified); and may, request or require such persons or any other witness to attend the meeting or provide such evidence as is available.
- d. allow any affected party to make a submission to the SRP and attend the hearing and provide evidence as is available.
- e. consider all relevant and available information and shall arrive at a finding. A decision of the SRP may be by a majority decision.
- f. The SRP shall notify the CEO of its finding within 24 hours.

7.5.6 If the SRP considers the ground(s) alleged by the appellant to be satisfied, it shall refer the matter back to the relevant Panel for reconsideration. Each Panel member shall comply with any direction provided by the SRP in any referral. Any further selection decision of the Panel under the direction of the SRP shall be final, and no further appeal shall be available to the aggrieved person in respect of that selection.

7.6. Court of Arbitration for Sport

7.6.1 Right of Appeal to the Court of Arbitration for Sport

A person who wishes to appeal against a decision of the SRP rejecting an appeal may appeal to the Court of Arbitration for Sport (CAS). Subject to this document the Code of Arbitration for Sport will apply for the appeal procedures. The decision of the CAS will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any court or tribunal other than the CAS.

7.6.2 Time in which appeal to the CAS can be lodged

A person wishing to appeal to the CAS under this clause must give written notice of that fact to the CEO within 48 hours of the announcement of the

decision against which the appeal is made and must then file his or her statement of appeal with the CAS within a further 48 hours.

7.6.3 Failure to observe time limits

Failure of the appellant to observe the above time limits will render any appeal a nullity provided that a person may apply to CA for an extension of time in which to commence an appeal. CA may grant such an extension only in extenuating circumstances outside the control of the aggrieved person.

7.6.4 Grounds of appeal

The sole grounds of any appeal to CAS under this clause are that:

- a. the SRP erred in law; or
- b. the decision was one that no reasonable panel could have arrived at.