PARIS 2024 OLYMPIC GAMES
NOMINATION CRITERIA FOR MARATHON SWIMMING EVENTS

SWIMMING NEW ZEALAND INCORPORATED

1. Application of this Nomination Criteria

1.1 **Status:** This Nomination Criteria is issued by the Board and shall take effect from [insert Date]. This Nomination Criteria supersedes any previous correspondence, discussions and representations (whether written or oral) by Swimming NZ 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 Marathon Swimming Event; and

(b) Swimming NZ, including its Selectors, 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 a Marathon Swimming Event is a three step process:

(a) each Athlete must be eligible in accordance with clause 3 of this Nomination Criteria;

(b) Swimming NZ 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. Selectors

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

- Dr Brent Layton
- Phillip Rush
- Rebecca Dubber OLY
- Gary Francis

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

3. Eligibility

3.1 **Athlete Eligibility**: To be eligible to be nominated to the NZOC by Swimming NZ, 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, 26 July 2023, where an Athlete is not a regular member of Swimming NZ at this date; or

ii. no later than 5.00pm, 24 November 2023, where the Athlete is a regular member of Swimming NZ; and

ii. in exceptional circumstances before 5.00pm, 26 January 2024 (or such extended date as agreed by the NZOC Board) where Swimming NZ provides the NZOC with evidence that demonstrates that Athlete could not have been reasonably in contemplation on 24 November 2023, provided the Athlete is a regular member of Swimming NZ; 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 Swimming NZ or one of its affiliates; and

(d) be a New Zealand citizen and has a New Zealand passport; and

(e) have demonstrated to the satisfaction of Swimming NZ 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, Swimming NZ or the NZOC into public disrepute; and

(g) not be under investigation for any breach of any part of the Swimming NZ and FINA's anti-doping regulations, the Sports Anti-Doping Rules and/or the NZOC Integrity Regulation; and

(h) no later than 26 July 2023, where the Athlete is not a regular member of the Swimming NZ or 26 January 2024 (or such extended date as agreed by the NZOC Board) where the Athlete is a regular member of the Swimming NZ 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 in accordance with FINA's Qualification System for Paris 2024 Olympic Games ("FINA Qualification System") and/or FINA 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 clauses 3.1 and 3.2 are met, the Selectors shall nominate to NZOC for consideration of selection, those Athletes it considers meet the Nomination Criteria set out below.

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

4. Nomination Criteria

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

(a) the Over-Riding Nomination Criteria specified in clause 5.1; or

(b) the Secondary Nomination Criteria specified in clause 5.2; and

(c) the evidential requirements in clause 5.3; and

(d) the Specific Nomination Factors specified in clause 5.4; and

(e) any Extenuating Circumstances in accordance with clause 6.

4.2 **Relevance and Weighting:** The Selectors 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 **Own Enquiries:** In considering the Specific Nomination Factors, the Selectors may make such enquiries of the Athlete, or other persons, as they see fit.

4.4 **Conditions:** In considering any results and performances of an Athlete at any Key Events and Trials, the Selectors 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 weather conditions and the field of competition.

4.5 **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 6 below.

5. Over-Riding Nomination Criteria, Secondary Nomination Criteria and Specific Nomination Factors

5.1 **Over-Riding Nomination Criteria**: In determining whether or not to nominate an Athlete to a Marathon Swimming Event, the Selectors must be satisfied overall that the Athlete:

(a) is or are competing in a Marathon Swimming Event where a quota place at the Games has been qualified in accordance with the FINA Qualification System; and

(b) is or are capable of achieving a top 16 placing in the Games in that Marathon Swimming Event, with the potential to win an Olympic Diploma (top 8 placing); and

(c) has or have a track record of sufficient quality and depth that the Selectors believe demonstrates the nominated athlete will be competitive at the Games and will perform to the level specified in clause 5.1(b). in that Marathon Swimming Event.

5.2 **Secondary Nomination Criteria:** Where a quota place has been qualified at the Games in accordance with the FINA Qualification System, but where no athlete has met the overriding criteria in clause 5.1(b) and (c), then the Selectors may consider nominating an Athlete to an Marathon Swimming Event provided that the Selectors are satisfied overall that the Athlete has demonstrated:

they are capable of achieving an Olympic Diploma (top 8 placing) in an Marathon Swimming Event at the Los Angeles 2028 Olympic Games, provided they have a strong record of international competition of such quality and depth that the Selectors believe demonstrates the nominated athlete will be competitive in the Marathon Swimming Event at the Games.

5.3 **Evidence**

(a) In determining whether or not the Athlete satisfies the Over-Riding Nomination Criteria for Marathon Swimming Events in clause 5.1 or the Secondary Nomination Criteria for Marathon Swimming Events in clause 5.2, the Selectors shall have regard to:

i. *Results and Performances*: any one or more of the results and performances in the Marathon Swimming Event at the following Key Events:

- 20th FINA World Championships – Fukuoka 2023
- 21st FINA World Championships – Doha 2024

(b) *Ranking*:

i. A maximum of 2 athletes per gender in the Marathon Swimming Event may be considered for Nomination to the NZOC.

ii. If an Athlete achieves a Top 3 Finish in the 10km Event at the 20th FINA World Swimming Championships in Fukuoka, Japan 2023 SNZ will nominate them as a priority to the NZOC for consideration for selection for the Marathon Swimming event; THEN

iii. If a quota place has been qualified but there are remaining quota places available following nominations as per 5.3 (b) ii, an Athlete who place in the top 13 (eligible athletes in an Olympic context) in the 10km event at the 21st FINA World Championships in Doha, Qatar 2024 will be considered for nomination to the NZOC.

iv. After nomination criterion 5.3 (b) ii and iii have been completed and there are remaining quota places available, the highest place NZ athlete in the 10km event at the 21st FINA World Swimming Championship in Doha, Qatar 2024 may be considered for nomination if:

- They receive an invite from FINA based on Continental Representation; **and**
- They achieved a Top 20 placing in the 21st FINA World Championships, Doha, Qatar 2024; **and**
- They have an upward trajectory in international competition.

v. If after nomination criteria 5.3 (b) ii, iii and iv have been completed and there are remaining quota places available, the Selectors may consider Athletes who have been selected to the Games Team in an 800m or 1500m Freestyle individual swimming event with a permission to start where competing in the Marathon Swimming Event will not have a detrimental effect on the individual swimming event they have been selected for and the Athlete can demonstrate they will be competitive in the Marathon Swimming Event at the Games.

5.4 **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 from 1 January 2023 to 29 April 2024:

(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 Games Team members;

(g) willingness to promote Swimming NZ 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.

6. Extenuating Circumstances

6.1 **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.

6.5 **Athlete to Advise:** Athletes unable to compete at Key Events, Trials, 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 Key Event, Trial or other attendance. If the CEO is not notified of any Extenuating Circumstances in accordance with this Nomination Criteria, then the Selectors have no obligation to rely on such circumstances.

6.6 **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 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.

6.7 **Case by Case:** In the case of any Extenuating Circumstance/s, the Selectors will make a decision on a case-by-case basis.

7. Nomination and Selection

7.1 **Nomination to NZOC:** Swimming NZ will nominate Athletes ("Nominated Athletes") and any Reserve Athletes to the NZOC by the Nomination Date.

7.2 **Nomination with Conditions:** Swimming NZ 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 Selectors, 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.

8. Appeal Procedure

8.4 **Non-Nomination Appeals**: An Athlete may appeal to Swimming NZ against their non-nomination to the NZOC by the Swimming NZ provided that the Athlete:

(a) is on the Swimming NZ long list for the Games; and

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

8.5 **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 Swimming NZ long list for the Games; and

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

9. Inconsistencies

9.4 **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.

9.5 **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.

10. Amendments to this Nomination Criteria

10.4 **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.

10.5 **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

11.4 **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.

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

11.6 **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.

11.7 **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.

11.8 **Board** means the Board of Swimming NZ as constituted under the Swimming NZ's constitution.

11.9 **CEO** means the Chief Executive Officer of Swimming NZ and includes his / her nominee.

11.10 **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.

11.11 **FINA** means the International Swimming Federation.

11.12 **Games** means the Games of the XXXIII Olympiad to be held in Paris, France from 26 July to 11 August 2024.

11.13 **Games Team** means the New Zealand Team at the Games selected in accordance with the NZOC Selection Policy for the Games.

11.14 **International Federation** means FINA

11.15 **Key Events** means an international competitions listed in clause 5.3.

11.16 **Marathon Swimming Event** means a men's or women's 10km marathon swimming event at the Games.

11.17 **Nominated Athlete** means an Athlete who has been nominated by Swimming NZ to the NZOC for consideration of selection to the Games Team.

11.18 **Nomination Criteria** means the criteria made up of the Over-Riding Nomination Criteria, Secondary Nomination Criteria and the Specific Nomination Factors, and is also referred to as "**this Criteria**".

11.19 **Nomination Date** means on or before 30th April 2022 (and includes any alternative date as agreed between NZOC and Swimming NZ, by which Swimming NZ must submit any Nominated Athletes to the NZOC).

11.20 **NZOC** means the New Zealand Olympic Committee Incorporated.

11.21 **NZOC Integrity Regulation** means the NZOC Integrity Regulation available at http://www.olympic.org.nz/about-the-nzoc/governance-documents/.

11.22 **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/.

11.23 **NZOC Selection Policy** means the NZOC Selection Policy for the Games, and any updates or amendments to that policy, available at https://www.olympic.org.nz/games/paris-2024/selection/.

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

11.25 **Reserve Athletes** means a travelling and/or non-travelling reserve, as designated by the Selectors and in accordance with the FINA Qualification System and the Paris 2024 Sport Entry Manual.

11.26 **Secondary Nomination Criteria** means the criteria set out in clause 5.2.

11.27 **Specific Nomination Factors** means the factors listed in clause 5.4 which the Selectors may take into account when applying the Over-Riding Nomination Criteria.

11.28 **Selectors** means the selectors appointed by Swimming NZ in accordance with clause 2 of this Nomination Criteria.

11.29 **Swimming New Zealand** means Swimming New Zealand Incorporated.