

**Policy:** Team Selections

**Title:** Team Selections Appeals

**Objective:** To ensure Orienteering NZ has a fair and transparent process for team selection appeals.

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## **1 Appeal Eligibility and Application Process**

- 1.1 If a nominated athlete believes they have grounds for disputing their non-selection to a team, the following process shall be applied. Athletes who have not nominated their availability for a team are not eligible for seeking an appeal for their non-selection.
- 1.2 If an athlete is under 18 years of age, the appeal may be lodged by a parent or legal guardian on their behalf. An appeal cannot be lodged by a club who may feel aggrieved by a selection decision.
- 1.3 Within 48 hours of the publishing of the team, an athlete may discuss the matter with the Convenor of Selectors without prejudice.
- 1.4 Should discussions with the Convenor of Selectors not result in a satisfactory outcome, the athlete may appeal against a team selection on any of the following grounds, the:
  - (a) selection criteria were not followed and/or implemented;
  - (b) athlete was not afforded a reasonable opportunity to satisfy the selection criteria
  - (c) selection decision was affected by actual bias;
  - (d) there was no material on which the selection decision could reasonably be based.
- 1.5 An appeal for non-selection must be lodged in writing with the Orienteering NZ General Manager within 7 days of the publishing of the team.
- 1.6 The appeal must set out the grounds for the appeal and provide all evidence to support the appeal at the time of lodging the appeal.

## **2 Appeal Panel**

- 2.1 Upon receipt of an appeal, the Orienteering NZ General Manager will refer the appeal to the Orienteering NZ Council who will determine an Appeal Panel.
- 2.2 The Appeal Panel shall include at least three Orienteering NZ Council members, and if required an independent member. A panel chair will be confirmed by the panel members.
- 2.3 The Appeal Panel shall convene to hear the appeal within 14 days of the appeal being lodged with the Orienteering NZ General Manager.
- 2.4 The Appeal Panel may convene in person, or via video/audio conferencing facility, to hear the appeal.
- 2.5 The athlete, and any other affected parties, will be invited to present to the Appeal Panel either in person, via video/audio conferencing facility, or in writing. Other affected parties is defined as any other athlete selected, or non-selected nominated athlete, for the team whose position on the team may be directly affected by the decision of the Appeal Panel.
- 2.6 The Appeal Panel may seek additional information from the athlete, selectors or independent sources to assist in its decision-making process.

- 2.7 Within 7 days of the hearing, the Appeal Panel shall make their determination and advise the Orienteering NZ Council.

### **3 Binding Decision**

- 3.1 If the appeal is upheld, the Orienteering NZ Council will within 7 days decide on the best course of action to address the issues raised in the appeal which may include referring the team selection back to the selectors, or establishing an independent selection panel to re-select the team. The Orienteering NZ General Manager will advise the athlete and other affected parties of the Council's decision.
- 3.2 If the appeal is not upheld, the Orienteering NZ General Manager will advise the athlete and other affected parties of the decision.
- 3.3 The decision of the Orienteering NZ Council shall be final and binding. No Appeal Panel decision can be appealed by any other athlete.
- 3.4 If the appeal relates to a World Championships team, the appealing athlete may appeal the Orienteering NZ appeal decision through the New Zealand Sports Disputes Tribunal. Any appeal to the Sports Disputes Tribunal must be filed within 7 days of the candidate being notified of the Orienteering NZ Council decision and will be heard and determined in accordance with the rules of the Tribunal.

### **4 Appeal Communication**

- 4.1 Upon receipt of an appeal, the Orienteering NZ General Manager shall advise the Orienteering NZ Council and all affected parties of an appeal being received and outline the process to be followed.
- 4.2 Specific details of the appeal and the specific grounds for the appeal may not be publically advised if the Orienteering NZ Council deem this information not in the public best interest. Non-disclosure may be chosen when athletes, selectors or specific individuals names and/or reputation may be detrimentally affected by any public disclosure.
- 4.3 All communication relating to the Appeal Panel process and decisions will be advised to the athlete and other affected parties in the first instance, and then published on the Orienteering NZ website.

#### **Authority:**

This Committee shall operate within the above mentioned duties and responsibilities.

Reviewed: July 2018

Next Review Date: July 2021