



TRIATHLON ENGLAND

XXI Commonwealth Games

Paratriathlon Selection Policy (2017)



Introduction

The Triathlon England Paratriathlon Team for the 2018 Commonwealth Games will be nominated by Triathlon England (TE) to Commonwealth Games England (CGE) who will accept TE's recommendation in all cases unless exceptional circumstances arise, and will formally make the final selection to the England Commonwealth Team. Nominations will be made in accordance with the regulations stated in this Policy.

The primary objective of this Policy is to nominate a team to CGE that can win a minimum of an individual medal in the Men's Paratriathlon event and the Women's Paratriathlon event.

This Policy aims to ensure that the strongest possible men's and women's teams compete and win medals at the 2018 Gold Coast Commonwealth Games. All selected athletes must demonstrate appropriate fitness throughout the months leading up to the Games, and must work with the coaching and medical staff in order to satisfy this obligation.

Regardless of any other provision of this policy, no athlete will be nominated to CGE if, at the time of nomination, they are injured or unfit, unless they can satisfy the Selection Committee that they will be able to compete in the Games to the best of their ability. TE in conjunction with CGE will, in these circumstances, be entitled to impose special conditions on their selection.

Where appropriate, coaching input and performance results data from TE and British Triathlon Federation (BTF) coaches, and BTF performance staff will be requested by the Nomination Committee to provide context. Athletes may be removed from the team after selection, up until the DRM date, if they become ineligible according to the eligibility criteria set out below, or they are unable to demonstrate that they will be able to compete to the best of their ability. After the DRM date the CGE rules are applied.

This Policy may be amended and any amendment will be notified directly to all relevant athletes. Any such amendments will be kept to a minimum and will only be made in response to unforeseen circumstances or circumstances that are out of the reasonable control of TE.

Eligibility

To be considered for selection, athletes must:

- a) To be eligible to participate in the Gold Coast 2018 Commonwealth Games and therefore be nominated to CGE, all athletes must meet the following requirements by 31st October 2017
 1. Be ranked on the ITU Paratriathlon PTHC Points List by 31st October 2017;
 2. Have an internationally confirmed classification.

- b) Be eligible to represent England at the Games including under Article 25 of the CGF Constitution (a copy of which can be found at: <http://www.thecgf.com/about/constitution.pdf>), which states:-

“Subject to Article 25(2), as a condition of entry to compete in the Commonwealth Games, all competitors must be citizens or subjects of the Commonwealth Country that enters them and must:

1. *Not be currently under disqualification or suspension by the Federation, or their respective Affiliated CGA or IF or under the World Anti-Doping Code;*
2. *Comply with all applicable rules and regulations of the Federation, their respective IFs and the World Anti-Doping Code as may be modified and applied by the Federation to ensure that the overriding principles of the Commonwealth Games are observed.*

- a) *Subject to Article 25(3), where a competitor was born in a Commonwealth Country that has common citizenship/passport with other Commonwealth Countries, the competitor may initially represent either the competitor’s Commonwealth Country of birth; or the Commonwealth Country of birth of his or her father or mother that shares the same citizenship/passport.*

- b) *After having represented one Commonwealth Country at the Commonwealth Games, a competitor may not represent another Commonwealth Country unless he or she receives the approval of the Federation, the relevant IF and the affiliated CGAs of the two Commonwealth Countries concerned. Applications under this article must be submitted to the Executive Board at least 12 months prior to the commencement of the Games.*

- c) *It is the responsibility of all affiliated CGAs to ensure that their competitors are fully aware of and comply with the eligibility rules of the Federation.*

- d) *The Executive Board shall have the power to waive the provisions of Articles 25 (1-3) at its discretion. “*

- c) In all instances, quota places are allocated to CGE and not the athletes who secured the quota places. Quota places shall be allocated to athletes in accordance with this policy only.

- d) Have signed the relevant CGE team members’ agreement and CGF eligibility form.

e) Be full Triathlon England race licence holders who are not subject to any ban or suspension.

The eligibility requirements are set by the Commonwealth Games Federation, CGE and TE. The decision of CGF and CGE on any question of eligibility shall be final.

Definitions

‘2018 Triathlon England CWG Paratriathlon Nomination Committee’

This refers to the committee assigned to administer and implement the nomination process and shall be comprised of the following (or successors in their roles):

- 2.1. Chairman (non-voting)
 - 2.1.1 Gordon Burton (UK Sport)
- 2.2. Panel members (voting)
 - 2.2.1. Ian Pyper (CGE Triathlon Team Leader)
 - 2.2.2. TBC (CGE Triathlon Head Coach)
 - 2.2.3. TBC (CGE Triathlon Assistant Coach)
 - 2.2.4. Brendan Purcell (British Triathlon Performance Representative)
 - 2.2.5. Alasdair Donaldson (Triathlon England Talent Pathway Representative)
- 2.3. Panel Members (non-voting)
 - 2.3.1. Don Parker (Commonwealth Games England)
 - 2.3.2. TBC (minutes)
 - 2.3.3. Jonathon Riall (Nomination Committee Paratriathlon Advisory Role)
 - 2.3.4. Iain Braid (Independent Observer - British Athletes Commission)

‘2018 Triathlon England CWG Nominated Paratriathlon Team’

This refers to the team of athletes that the TE will nominate to the CGE for ratification and selection to 2018 Commonwealth Games Paratriathlon Team.

‘Assessment Race’

This refers to race(s) identified in the nomination process for the specific purpose of evaluating athletes’ performances.

‘Authorised Representative’

This describes the individual an athlete nominates as their representative that relates to, but is not limited to, enquiring about the athlete’s rights, an appeal or representing them in an appeal process.

‘British Athletes Commission’

The British Athletes Commission is the members’ association for elite athletes particularly in Olympic and Paralympic sports. It offers advice support and guidance for its members. Details of how to contact the BAC can be found on www.britishathletes.org

‘BTF’

British Triathlon Federation

‘CGE’

Commonwealth Games England

‘Confirmation’

This will occur at the end of each phase of the nomination process. The nomination committee will confirm the status of each athlete and the process and notify athletes accordingly. Athletes will be made clear of the next phase and their responsibilities.

‘De-selection’

The process of ‘deselecting’ an athlete after November 30th 2017 where there is evidence of an inability to deliver a performance aligned to the goals of the Policy.

‘DRM’

The date the CGE has to register its delegation for inclusion in the Gold Coast 2018 Commonwealth Games at the Delegation Registration Meeting which will be held week beginning 19th March 2018.

‘ITU’

International Triathlon Union

‘Nomination’

Triathlon England does not select the Commonwealth Games team, but rather nominates athletes to the CGE for ratification by CGE and final selection to the 2018 Commonwealth Games team.

‘Qualification’ (and ‘Qualified’)

This describes the process when an athlete fulfils specific performance criteria and then is automatically nominated (subject to fitness) to the CGE. An athlete who meets these criteria will not have their other performances evaluated by the nomination committee.

‘Quota Places’

CGE will allocate TE a maximum team size of 2 males and 2 females.

‘Selection’

This describes the process the nomination committee will implement to consider performance evidence and apply their expert opinion to make a decision as to whether an athlete meets the primary objectives of the policy.

‘TE’

Triathlon England

2018 TE Commonwealth Paratriathlon Nomination Timeline

The nomination process will occur in six phases that start in February 2017 and will be complete at the late athlete replacement date. Dates may be subject to change based on changes to the ITU/ETU/TE race calendars:

Phase 1

- 1.1 Criteria for entry into the 2017 Assessment Race.

Phase 2

- 2.1. Automatic Qualification.
- 2.2. This process will be completed by August 28th 2017.

Phase 3

- 3.1. Selection of Athletes not Automatically Selected.
- 3.2. This process will be completed by October 31st 2017.

Phase 4

- 4.1. Selection – Reserves
- 4.2. This process will be completed by November 30th 2017.

Phase 5

- 5.1. Nomination to the CGE
- 5.2. This process will be completed by February 28th 2018.

Phase 6

- 6.1. Evidence of fitness
- 6.2. This process will run parallel to the selection process from February 2017 until the date upon which athletes may be replaced in accordance with the CGE's Late Athlete Replacement Policy (as may be amended).

2018 TE Commonwealth Paratriathlon Nomination Process

Executive Summary and Overview of Criteria

POLICY GOAL	The primary objective of this Policy is to nominate a team to CGE that can win a minimum of an individual medal in the Men's Paratriathlon event and the Women's Paratriathlon event.
PERFORMANCE FACTORS EVALUATED	<ol style="list-style-type: none">1. Evidence of an ability to win an individual medal.2. To aid their development by experiencing and competing in a multi-sport Games environment.3. To aid the development of the sport of Paratriathlon within England.
AUTOMATIC QUALIFICATION	1 st English athlete at the 2017 British National Championships
ATHLETE SELECTION	Performances in the following events will be discussed in relation to the criteria outlined in Stage 3 – <ol style="list-style-type: none">1.1. 2017 World Championships1.2. 2017 Paratriathlon World Series1.3. 2017 European Championships1.4. 2017 World Cup events1.5. 2017 British National Championships

Phase 1 - Criteria for entry into the 2017 Assessment Race.

1. The 2017 Assessment Race is;
 - 1.1. 2017 British Championships, August 28th 2017.
2. Entry to this race will be governed by the criteria set out by British Triathlon
<https://www.britishtriathlon.org/britain/documents/events/competition-rules/british-triathlon-competition-rules-2017.pdf>

Phase 2 – Automatic Qualification

1. An athlete can achieve Automatic Qualification to the Gold Coast 2018 CGE Commonwealth Nominated Paratriathlon Team if they meet the following criteria;
 - 1.1. 1st English Athlete at the 2017 British Championships, August 28th 2017.

Phase 3 – Selection of Athletes not Automatically Selected

1. An athlete may be considered for selection to the Gold Coast 2018 Triathlon England Commonwealth Games Nominated Paratriathlon Team by the nomination committee from their performances at the Assessment Races and the races referred to below. The performances from these races will be considered in the following order to prioritise an athlete displaying an improving performance profile and an ability to meet the specific demands of the Gold Coast 2018 Commonwealth Games Triathlon race course;
 - 1.1. 2017 World Championships
 - 1.2. 2017 Paratriathlon World Series
 - 1.3. 2017 European Championships
 - 1.4. 2017 World Cup events
 - 1.5. 2017 British National Championships
2. When evaluating the performances of athletes in the event listed above the nomination committee will consider also a range of performance factors that may include, but not be limited to, the following;
 - 2.1. Evidence of an ability to win an individual medal.
 - 2.2. To aid their development by experiencing and competing in a multi-sport Games environment.
 - 2.4. The BTF What it Takes to Win document (this document is available on request)
 - 2.5. Current form in competition
 - 2.5.1. The known competition level and performance of other athletes in the field
 - 2.5.1.1. The committee will use their expertise to determine quality of field
 - 2.5.2. Distance behind winner, distance from podium.

Selection of an individual athlete at Phase 3 shall be at the absolute discretion of the Gold Coast 2018 Triathlon England Commonwealth Games Paratriathlon Nomination Team. Selection shall be subject to the availability of sufficient number of quota places being available upon allocation.

Stage 4 – Selection: Reserves

1. On completion of 'Stage 3 – Athlete Selection', the nomination committee will then consider naming a number of reserves, without specifying any preference or ranking between them, in order to use as a pool to replace any injured athlete with an athlete that it believes will best maintain the Team's chances of winning a medal or medals at the CWG's;

1.1. Athletes that were unsuccessful at Phase 3 will be considered before other athletes by the nomination committee.

1.2. The nomination committee will consider the following performance factors in naming reserves for the 2018 TE Commonwealth Games Paratriathlon Nominated Team;

1.2.1. Evidence of an ability to win an individual medal

1.2.2. To aid their development by experiencing and competing in a multi-sport Games environment.

1.3. The reserve athletes will be subject to a Reserve Athlete Protocol to be agreed and published nearer the time by the Team Leader and the Head Coach.

Selection of Reserves at Stage 4 shall be at the absolute discretion of the 2018 TE Commonwealth Games Paratriathlon Nomination Committee, taking into account the aims of this policy.

Stage 5 - Nomination to CGE

Within 21 days of the completion of 'Stage 3 – Athlete Selection' the Gold Coast 2018 TE Commonwealth Games Nominated Team details shall be sent to CGE for ratification and final selection to the Gold Coast 2018 Commonwealth Games Paratriathlon Team.

Nominations will be made in accordance with the regulations stated in the CGE-TE Commonwealth Qualifying Standards Agreement and this policy. All nominations shall be subject to ratification by CGE and no athlete shall be formally selected until such time as the CGE has confirmed such selection.

Phase 6 – Evidence of Fitness

1. At the time of their nomination to CGE, all athletes will undergo an examination with a designated BTF Medical Officer to determine their medical and musculoskeletal status.

1.1. In addition to any other provision of this policy, any nominated athlete may, at any other time, be required by the Team Leader and Coaching Team to undergo medical assessments to ensure that they have maintained an adequate level of fitness to perform to the best of their ability.

1.2. The Team Leader and Coaching Team will specify the process by which a nominated athlete is to confirm his or her continued health and fitness, which might include participating in certain races or undergoing fitness tests.

2. All nominated athletes will be re-examined by a designated BTF Medical Officer in the 4 weeks leading up to the DRM

2.1. Any cause for concern over injury or illness arising from this examination (or otherwise during this 4 week period) will lead to the athlete needing to demonstrate his or her fitness regardless of having done so previously.

3. Prior to the date of the DRM, the BTF retains the right to de-select athletes who have failed to prove their form or fitness, in accordance with this nomination policy

4. After the DRM, de-selection and selection of a reserve is only allowed in accordance with the CWG's Athlete Late Replacement Policy (or any revised or amended CWG policy dealing with athlete replacement) following the process below:

4.1. This primarily provides for replacement of selected athletes on the basis that they are unfit to compete due to injury or illness

4.1.1. An athlete is unfit to compete if, due to injury or illness, he or she is unable to compete to the best of his or her ability

4.1.2. Should the Team Leader and Coaching Team suspect that an athlete may not be able to compete to the best of his or her ability due to an injury or illness; the following procedure will be adhered to

4.1.2.1. The BTF Medical Officer can require an athlete to undergo a medical examination to determine his or her fitness to participate, which at this stage will be determined based on an assessment of whether or not the injury or illness is such that the athlete risks causing medical harm to him or herself, or endangering other competitors, officials or spectators.

4.1.2.2. BTF Medical Officer will carry out this examination or delegate another doctor to do so. If the athlete fails the medical examination, he or she will be withdrawn from the Team and TE may nominate any of the reserve athletes to the CGE, in accordance with this nomination policy;

4.1.2.3. If the athlete passes the medical examination carried out in accordance with above but TE and/or the CGE have concerns over whether the athlete is able to compete to the best of his or her ability due to the underlying injury or illness, the CGE Chef de Mission can require the athlete to undergo a set of triathlon specific performance tests in relation to the injury suspected.

4.1.2.3.1. If the athlete fails the tests, he or she will be withdrawn from the Team on medical grounds and one of the reserve athletes may be nominated in place, in accordance with this nomination policy and at the discretion of the TE and CGE;

4.2. The decision to replace an athlete after the ratification and final selection by CGE will be taken by the CGE in close consultation with the Team Leader and TE Coaching Team. The decision to replace (after DRM) an athlete as a consequence of his or her apparent inability to compete to the best of his or her ability is agreed to be an exercise of expert determination and opinion, in which the CGE's decision is final and binding. There will be no appeal against such a decision.

2018 Commonwealth Games Triathlon Nomination Committee

The following outlines the roles and responsibilities of the nomination committee and its members:

1. The role of the nomination committee will be to ensure that the process set out in this document is followed and communicated clearly to:

- 1.1. TE athletes
- 1.2. The CGE
- 1.3. The TE Board

2. The 2018 Commonwealth Games Paratriathlon Nomination Committee will comprise the following members:

- 2.1. Chairman (non-voting)
 - 2.1.1 Gordon Burton (UK Sport)
- 2.2. Panel members (voting)
 - 2.2.1. Ian Pyper (CGE Triathlon Team Leader)
 - 2.2.2. TBC (CGE Triathlon Head Coach)
 - 2.2.3. TBC (CGE Triathlon Assistant Coach)
 - 2.2.4. Brendan Purcell (British Triathlon Performance Representative)
 - 2.2.5. Alasdair Donaldson (Triathlon England Talent Pathway Representative)
- 2.3. Panel Members (non-voting)
 - 2.3.1. Don Parker (Commonwealth Games England)
 - 2.3.2. TBC (minutes)
 - 2.3.3. Jonathon Riall (Nomination Committee Paratriathlon Advisory Role)
 - 2.3.4. Iain Braid (Independent Observer - British Athletes Commission)

3. It is important to note that in the event of the forced postponement or cancellation of one or more of the Assessment Races the nomination committee will reserve the right to:

3.1. Nominate another event in its place (the Committee will endeavour to give athletes an appropriate length of notice for preparation)

OR

3.2. Will make a selection based upon the evidence already identified that in their expert opinion indicates an athlete's ability to either

3.2.1. Win medals at a nominated race on a nominated day

OR

3.2.2. To aid their development by experiencing and competing in a multi-sport Games environment.

3.3. The above also applies to any event where, in the opinion of the nomination committee, the outcome was severely affected by an abnormal occurrence such as but not limited to:

3.3.1. A mass pack crash

3.3.2. An external vehicle on the course

3.3.3. Extreme weather conditions causing either

3.3.3.1. Mass athlete withdrawals

3.3.3.2. Race cancellation

All decisions shall be made by a majority vote. In the event of a panel member excusing themselves because of a conflict of interest from any decision and an even number of panel members remaining then those panel members shall elect a chairman who shall have the casting vote in case of a tied decision.

Obligations

Athletes nominated to CGE (and where appropriate, after selection) will be required to:

1. Sign and comply with the CGE's Team Members' Agreement and CGF Eligibility Form prior to nomination to the CGE;
2. Sign and comply with the TE's Team Members' Code of Conduct;
3. Attend all preparation camps and follow race schedules agreed with the Team Leader between nomination to the CGE and the Commonwealth Games Triathlon;
4. Inform the Team Leader immediately in the event that their preparation is interrupted in any way subsequent to nomination;
5. Not to make any public announcement whether on any social media platform or otherwise of the nomination or selection until such time as the CGE has authorised such announcement.

Appeals Process

Any eligible athlete, who is unhappy with a selection decision, may request a review of that decision, by lodging a request for a review, in writing, with the TE Director of English Operations within two working days of the announcement of the selection decision.

TE will endeavour to conduct the Review within 48 hours of receiving the request.

No challenge will be permitted to the provisions of this Policy; challenges must be confined to the manner in which the Policy has been applied, an allegation of bias, or that no other reasonable nomination panel would reach the same decision.

The following procedures have been adopted in consideration of any appeal made by or on behalf of any athlete wishing to appeal by virtue of his or her non-nomination/ pre-DRM de-selection.

Any athlete seeking a review of a non-nomination/pre-DRM de-selection decision should be aware of the time limits contained in the policy which are designed with the intention of resolving issues in a timely, fair and transparent manner. All athletes should read this policy carefully and satisfy themselves that they are eligible to appeal in the first instance. Any appeals which do not satisfy the grounds of appeals below will be dismissed automatically.

To assist an athlete and/or their Authorised Representative in determining their rights in relation to non-nomination/ pre-DRM de-selection and what steps they need to take in relation to an appeal it

is recommended they contact the British Athletes Commission (BAC). Details of how to contact the BAC can be found on www.britishathletes.org.

The parties agree not to commence, continue, or maintain any legal challenge to any matter falling under the jurisdiction of the appeals panel before any court of law or dispute resolution body without first following this procedure.

1. Grounds for Appeal

An athlete may appeal against a nomination decision only on the grounds that:

- there has been a failure to apply the applicable selection criteria; and/or
- there has been a failure to adhere to the procedure set out in the applicable nomination policy.

An athlete does not have a right of appeal against any judgement or discretion exercised in the course of making nomination decisions, or against the content of the applicable selection criteria.

2. Appeals Procedure

This Appeals Procedure is commenced when an athlete affected by a selection decision, or the athlete's Authorised Representative, submits a formal written appeal (the Notice of Appeal) to Kay Simnett, BTF Director of Finance & Business Operations via email (kaysimnett@britishtriathlon.org). The Notice of Appeal must be received by the TE within two working days of the selection decision being announced or communicated to the athlete, whichever is later.

If the athlete fails to submit the Notice of Appeal within the time limit set out in this Appeals Process he or she will have lost their right of appeal.

The Notice of Appeal must set out full details of the athlete's ground(s) of appeal and include:

- a) details of the decision which the athlete is appealing;
- b) details of the ground(s) of appeal upon which the athlete relies, including the precise manner in which the athlete alleges that the selection criteria have not been applied or in which the procedure set out in the applicable nomination policy has not been followed; and
- c) any documents or written evidence upon which the athlete relies in support of his or her appeal. These documents must be relevant specifically to the athlete's grounds of appeal.

3. Appeals Panel

On receipt of the First Notice to Appeal, Kay Simnett, BTF Director of Finance & Business Operations will forward this documentation to the First Appeal Panel. This panel will consist of;

- Bill James (Chairman of Triathlon England and Chair of Appeals Panel)
- Jack Buckner (CEO British Triathlon)
- Mike Townley (Legal Advisor to the BTF)

The Appeals Panel will determine whether there are sufficient grounds to consider the appeal based on the information provided. The relevant sections from the minutes of the selection meetings will be provided to the Appeals Panel to satisfy themselves that the process set out in the original selection decision was followed.

If the Notice to Appeal is **dismissed** the athlete affected by the selection decision, or the athletes Authorised Representative, can submit a final formal written appeal (the Second Notice of Appeal) within 48 hours of notification of this decision. This formal written appeal must be sent to Kay Simnett, BTF Director of Finance & Business Operations via email (kaysimnett@britishtriathlon.org). This will then be referred to Sport Resolutions UK. It is advised that at this point the athlete and/or their Authorised Representative contact the BAC to determine the content of their appeal and accessing pro bono legal advice.

If the appeal is **upheld**, the First Appeal Panel will ask the 2018 Triathlon England CWG Nomination Committee to consider their original selection applying the selection criteria correctly and rectifying any flaws in the original process. If on consideration of this direction by the First Appeal Panel the 2018 Triathlon England CWG Nomination Committee reaches the same decision the athlete or the athletes authorised representative, can submit a final formal written appeal (the Second Notice of Appeal) within 48 hours of notification of this decision. This formal written appeal must be sent to Kay Simnett, BTF Director of Finance & Business Operations via email (kaysimnett@britishtriathlon.org). This will then be referred to Sport Resolutions UK. It is advised that at this point the athlete and/or their Authorised Representative contact the BAC to determine the content of their appeal and accessing pro bono legal advice.

4. Second Appeal

Upon receipt of the Second Notice of Appeal, Kay Simnett, BTF Director of Finance & Business Operations, will notify as soon as possible Sport Resolutions UK and provide Sport Resolutions UK with a copy of the Second Notice of Appeal. Sport Resolutions UK will then as soon as reasonably practicable notify TE and the appellant of the members of the Second Appeal Panel.

An athlete or TE may object to the composition of the Second Appeal Panel by notifying Sport Resolutions UK of the objection and setting out the reasons for such an objection (the Objection) no later than two days from the date of the notice of the composition of the Second Appeal Panel.

Sport Resolutions UK shall within three days from the date of the receipt of an objection, notify the athlete and the [NGB] that either:

- (a) the composition of the Second Appeal Panel has been changed and provide details of the new Appeal Panel; or
- (b) the composition of the Second Appeal Panel has not changed and give reasons why it has not accepted the Objection.

The decision of Sport Resolutions UK on the composition of the Second Appeal Panel under this Rule shall be final.

The Chair of the Second Appeal Panel will convene a hearing to take place as soon as practical, and in any event within five working days of receipt of the Second Notice of Appeal by the TE, at which the Appeal Panel will consider the Notice of Appeal.

The Chair of the Appeal Panel shall consider whether the interests of any athlete(s) other than the Appellant (the Interested Party or Interested Parties) may be affected by the nomination decision under consideration and may direct that such Interested Party/ Interested Parties are joined to the Appeal. Where any Interested Parties are so joined, the Appeal Panel will determine the rights of the Interested Parties and they shall be prohibited from raising matters already ruled upon as separate or further appeals.

The Chair of the Second Appeal Panel shall give such directions as are appropriate for consideration of the matter, in particular:

- (a) the date and place at which the Second Appeal Panel shall meet to determine the Appeal;
- (b) whether the Appeal will proceed by way of written submission or an oral hearing; and
- (c) whether the parties and Interested Parties should be required to submit statements of their evidence and/or written submissions prior to the hearing, and if so, a timetable for doing so.

The Second Appeal Panel will consider the grounds set out in the Second Notice of Appeal and establish to their reasonable satisfaction whether or not there has been a failure to apply the applicable selection criteria and/or that there has been a failure to adhere to the procedure set out in the applicable Nomination Policy.

The Second Appeal Panel shall be entitled to:

- (a) confirm the nomination decision under appeal and reject the Appeal; or
- (b) allow the Appeal and quash the nomination decision under appeal and remit the matter back to the original decision maker identifying the errors they have identified in the conduct of the selection process and requesting that a new decision is made within two working days.

The decision of the Second Appeal Panel shall be reached by majority vote.

Sport Resolutions UK will inform all parties in writing and by telephone (or such other method of communication as the Appeal Panel shall decide) about the Appeal Panel's decision to either uphold or reject the Appeal within 24 hours of the hearing.

The Second Appeal Panel has the power at its discretion to make an order for the costs of the Appeal to be paid in such proportions as the Second Appeal Panel may decide. The costs may include any room hire, travel and other expenses incurred in establishing the Appeal Panel but nothing shall be included on account of a party's professional charges for representation or otherwise

5. No Further Right of Appeal

On communication of the decision by Sport Resolutions UK, there is no further right by the athlete or their Authorised Representative to appeal the original selection decision.

Arbitration Agreement

This Policy forms the entire agreement between each athlete wishing to be selected and TE in connection with selection of athletes to Team England for the Games. The Parties agree to submit any dispute concerning any matter connected with, or arising out of, this Policy exclusively to binding arbitration to be conducted by an arbitrator (or panel) appointed by Sports Resolutions UK (SRUK) and pursuant to the applicable rules of SRUK. No athlete will be entitled to commence any proceedings before SRUK until he or she has submitted an application for a review and has followed the review process as set out in the TE Selection Review Policy. The Parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of this Procedure to any court of law or any other dispute resolution procedure. The outcome of the SRUK arbitration shall be final and binding.

Withdraw or Replacement

After the Named Selection procedure has been completed, de-selection and selection of a reserve is only allowed in accordance with the CGF Athlete Late Replacement Policy (or any revised or amended CGE policy dealing with athlete replacement). This primarily provides for replacement of selected athletes on the basis that they are unfit to compete due to injury or illness. An athlete is unfit to compete if, due to injury or illness, he or she is unable to compete to the best of his or her ability. Should it be suspected that an athlete may not be able to compete to the best of his or her ability due to an injury or illness; the following procedure will be adhered to:

The BTF Medical Officer can require an athlete to undergo a medical examination to determine his or her fitness to participate, which at this stage will be determined based on an assessment of whether or not the injury or illness is such that the athlete risks causing medical harm to him or herself, or endangering other competitors, officials or spectators. The BTF Medical Officer will carry out this examination or delegate another doctor to do so. If the athlete fails the medical examination, he or she will be withdrawn from the Team and TE may nominate any of the reserve athletes to CGE, in accordance with this selection policy.

If the athlete passes the medical examination carried out in accordance with the above CGE in consultation with TE have concerns over whether the athlete is able to compete to the best of his or her ability due to the underlying injury or illness, the Team England Chef de Mission can require the

athlete to undergo a set of triathlon specific performance tests. If the athlete fails the tests, he or she will be withdrawn from the Team on medical grounds and one of the reserve athletes may be nominated in place, in accordance with this selection policy and at the discretion of the TE and CGE. The decision to replace an athlete after the sport entries have closed will be taken by CGE in close consultation with TE. The decision to replace an athlete as a consequence of his or her apparent inability to compete to the best of his or her ability is agreed to be an exercise of expert determination and opinion, in which CGE's decision is final and binding.

General

Insofar as is permitted by law, TE and its authorised agents do not accept liability for any loss or damage occurring as a result of the selection process (including anything arising from non-selection and/or ratification by CGE). This shall not affect any statutory rights that are available and this shall not limit or exclude any liability that may not be excluded or limited by law.

If there is any reason to believe that there has been a breach of this selection policy or any related terms and conditions, then TE, at its sole discretion, may exclude any athlete from participating in the selection process.

This selection policy shall be governed by English law.