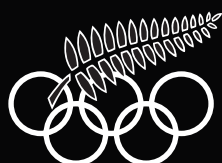


#1

Guidance Notes on Selection



GUIDANCE NOTE ON SELECTION¹ #1

The Selectors

This Guidance Note covers the role of Selectors in selecting athletes for national teams including their appointment, briefing them and dealing with conflicts of interest.

Role of Selectors

- The role and authority of the Selectors should be in writing. Sometimes it is specified in the National Sports Organisation's (NSO's) constitution but it is good practice to develop terms of reference or a position description which sets this out.
- Generally Selectors have the authority to decide on the selection of athletes. This is usually delegated in the NSO's constitution or the Selection Policy. For some NSOs, the Chief Executive or the Board also has a role in approving or ratifying the Selectors' decisions. Care is needed with such a two or three-step approach given the Selectors are appointed as the experts. This approach may result in perceived or actual interference in the selection process and also increases the risk of procedural errors or allegations of bias. If this approach is adopted, it must be strictly followed to avoid being challenged.

TIP: Check the NSO constitution to see who has the power to appoint the Selectors and make selection decisions.

Appointing Selectors

- Selectors are deemed by the courts as experts in their field. It is therefore important to ensure they do have the necessary expertise, skills and experience for this role, in line with the obligations and requirements set out in the relevant document (i.e. Selection Policy or Selectors' terms of reference).
- In most NSOs, Selectors are appointed by the Board. However, sometimes the Chief Executive or the High Performance Director/Manager has delegated power to appoint the Selectors. The appointment process is sometimes specified in the NSO's constitution but if not, it is good practice to include the appointment process in the Selectors' terms of reference or the Selection Policy.
- The particular attributes to look for in appointing Selectors are:
 - Experience in the sport as an athlete, coach or other role;
 - Prior experience in the selection of athletes;
 - Independence from the athletes being considered for selection;
 - Avoiding potential conflicts of interest;
 - Time and availability to observe performances, attend events and trials, attend meetings; and do the other tasks set out in the Selection Policy;
 - Attention to detail, be organised and process oriented;
 - Ability to work in a team - often selectors are part of a panel of selectors who need to work together as well as with the High Performance staff.
- Where there is a panel of Selectors look for a spread of these attributes amongst them. It is also recommended that a Convenor of Selectors be appointed with clear functions, so there are clear lines of responsibility and communication to the other Selectors via the convenor.

TIP: Make sure the person appointed to be the Convenor of Selectors has good attention to detail and is process oriented.

- Some NSOs have their national coach or High Performance Director/Manager equivalent on the selection panel. As a general rule, this is not recommended due to the close association they tend to have with the athletes in the sport and the coaches, which can lead to perceptions of bias or conflicts of interest. National coaches and High Performance Director/Managers also need to continue to work with the athlete. This does not prevent them from providing input into the selection process through the Selectors, if and only if it is specified in the Selection Policy. However, in some cases the courts have held the presence of a national coach does not result in bias.

CASE STUDY:

In *Bias v Cycling NZ (2015)* the Sports Tribunal did not accept there was any bias as a result of the Head Coach being on the selection panel. The Tribunal accepted that "it was usual practice to have a coach involved in selection decisions. Clause 3.1 of the selection regulations requires the Head BMX Coach to be on the Selection Panel. Mr Elliott confirmed that having the coach involved in selection decisions is applied in other cycling disciplines managed by CNZ". There were other factors also cited by the Tribunal which did not support any claim for actual bias.

¹ This Guidance Note is one of five Guidance Notes covering the process of selection of athletes by National Sports Organisations (NSOs) to national teams.

Briefing Selectors

- Selectors are required to strictly follow and apply the Selection Policy decided by the NSO. If they do not, it may result in unfairness to the athletes and leave the NSO open to an appeal against the selectors' decision.
- When developing the Selection Policy the NSO should invite the Selectors to have input into and review the proposed Policy before it is finalised. This is to ensure it can be implemented in practice and is clear.
- The final Selection Policy, and any related procedures (such as any terms of reference), should be sent to the Selectors once they are approved by the NSO. If these are altered at any time, Selectors must be informed of this so they have the correct and updated Selection Policy to apply.
- Selectors should also be briefed in detail on the Selection Policy before they start the selection process so they are clear on the criteria for selecting athletes decided by the NSO and the events and other matters to be taken into account.

TIP: Hold a briefing meeting with all the Selectors prior to the selection process starting to ensure clarity of their role and function and that the correct criteria and process are followed.

- Selectors need to understand their boundaries and should not engage with athletes or coaches about their selection chances or matters outside of their authority. In no circumstances should selectors email or make contact with an athlete seeking selection, unless it is to make enquiries for the strict purposes of making an assessment under the Selection Policy.
- Ongoing education of Selectors is recommended to keep them up to date with the strategy and goals of the NSO and developments in selection affecting the NSO and others in sport.
- If a decision of the selectors is appealed, selectors should also be supported by the NSO and briefed on the process including the NSO's expectations of them in this process.
- Selectors are usually volunteers so don't forget to thank them!

Conflicts of Interest

- Selectors must avoid conflicts of interest in the selection process. These can arise from:
 - having a family or personal relationship with an athlete seeking selection;
 - being the current or former personal coach of the athlete;
 - being connected, directly or indirectly, through a family connection or friend, to the same Club of an athlete;
 - being the national coach or High Performance Staff for the athlete seeking selection (subject to the comment below);
 - being a Board Member of the NSO, if the Board has a role in deciding or confirming selections.

CASE STUDY:

In *Miller v Olympic Weightlifting NZ (2016)*, one of the Selectors, Mr Moss, was an OWNZ Board member and the President of the North Sport City Weightlifting Club of which the selected athlete was a member. He was also the father of the selected athlete's training partner. The athlete argued this showed apparent bias. The Sports Tribunal dismissed the appeal but noted "it might have been the better course of action for Mr Moss not to vote as a board member and potentially act as a selector" but acknowledged "this is a sport where it will be difficult to find selectors without any association to athletes in contention."

- The best time to identify potential conflicts is in the Selector's application process. Questions should be asked at that stage about the selector's connections in the sport.

TIP: Introduce an application process for potential Selectors to ensure they have the relevant skills and expertise. This process should require disclosure of any prior or existing relationships with athletes, coaches or others in the sport which may give rise to a conflict of interest.

- If the conflict of interest or any possibility of bias (perceived or otherwise) becomes apparent after a Selector's appointment, the NSO should have a documented process for dealing with this. This should include the requirement for:
 - the Selector concerned (or the other selectors) to bring it to the attention of the convenor, the High Performance Director/Manager or the Chief Executive;
 - once disclosed, the Selector stepping aside from the specific decision in which the conflict arises;
 - whether a placement needs to be appointed if there is not a quorum; or
 - standing down from being a Selector for the whole team being selected, depending on the nature of the conflict.
- Selectors undertake a vital function for NSOs and often have to make difficult decisions which will be seen as, and in fact are, decisions of the NSO. It is therefore important they undertake their function with independence and rigor and for NSO's to brief them well to ensure they are equipped and supported to carry out this function.