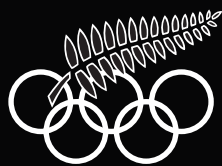


#3

Guidance Notes on Selection



GUIDANCE NOTE ON SELECTION¹ #3

The Selection Process

This Guidance Note covers important matters to be considered when undertaking the selection process of athletes for national teams under a National Sports Organisation's (NSO's) Selection Policy.

Understanding the Selection Policy

- As obvious as it may be, the first step in the selection process is to ensure that all those involved in the selection process, especially the Selectors and the athletes, have a copy of, and understand, the Selection Policy. In addition, they should have access to any other associated selection documents, such as the NSO's High Performance Strategy and any Selector's terms of reference². This includes providing them with any updates to those documents made by the NSO at any time.

Eligibility Requirements

- The Selection Policy should list the various matters which need to be satisfied before an athlete can even be considered for selection³. It is often the role of the High Performance Director/Manager to gather the necessary information from the athletes and undertake enquiries to be satisfied these have been met. The process for this should be set out in terms of reference of the NSO but the Selectors must be satisfied that eligibility of each athlete has been met in compliance with the Selection Policy before considering them for selection.

TIP: Develop an Eligibility Spreadsheet which has the names of all the athletes who may potentially seek selection against each of the eligibility requirements set out in the Policy. This should be checked off for each athlete and given to the Selectors prior to selection.

Gathering Information

- The Selection Policy should set out the events (such as trials and competitions), results/performances and others factors (such as assessments, personal attributes) to be considered by the Selectors⁴. Some of these may be mandatory for the selectors to consider (denoted by the words "shall" or "must" in the Selection Policy) and some may be optional (denoted by the word "may").
- It is recommended that the results from these events should be gathered and collated by a person for or by the Selectors. This may be the Convenor of Selectors or the High Performance Director/Manager. All the information that is mandatory for the Selectors to consider under the Selection Policy must be sourced for all the athletes seeking selection consideration. These results should then be shared with all the Selectors to ensure they all review the same information.
- In many sports, observing the performances (as well as assessing the results) is necessary to consider the capability of athletes to achieve the stated criteria. Factors such as conditions, weather, and intervening factors can often only be assessed in that way. If personal attendance of the Selectors is not practicable then video footage should be considered alongside consultation with the national coaches and/or High Performance Director/Manager that may have attended such events. Notes should be taken by the selectors at or following such observations, and shared with the other selectors.
- In addition, information on any other factors which may be taken into account under the Selection Policy should be sourced. This may include assessment results (e.g. biomechanical, strength and conditioning), test results, medical reports etc.
- If the assessments raise matters such as personal fit or athlete commitment, then the Selectors must give the athlete a chance to comment on this before a selection decision is made. Notes of all such assessments should be kept and shared with the others selectors.
- Care is also required to ensure factors such as personal behaviour are not given too much weight.

CASE STUDY:

In *Roy v Canoe Racing NZ (2015)* the Sports Tribunal said it "did not dispute that, in some exceptional circumstances, conduct of an athlete off the field or the water may be a relevant factor but we think that in the present case the views of the selectors formed of the appellant's conduct and character drove the final non-selection decision to an inappropriate extent and precluded the appellant from receiving objective consideration of whether he should be selected on the basis of his performance and potential"

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.

² See Guidance Note #1 "The Selectors" for further information on briefing the Selectors.

³ See Guidance Note #2 "Selection Policies" on drafting the Selection Policy, for a sample list of these matters.

⁴ See Guideline Note # 2 "Selection Policies" on drafting the Selection Policy, for a list of possible factors.

- If Selectors wish to take into account personal matters affecting an athlete such as an athlete's commitment, or their behaviour, then it is essential that the athlete is given the chance to comment on this before the Selectors rely on information from coaches or others in the sport.
- In assessing the information before it, Selectors should consult with the athletes about the individual circumstances of the athlete in accordance with natural justice.

CASE STUDY:

In *Winther & Kosinska v Yachting NZ (2016)* the Sports Tribunal dismissed the appeal but stated "while the selection policy is drafted to provide huge discretion to YNZ, this does not obviate its obligations to abide by the rules of natural justice and to ensure basic fairness in its implementation. In particular, athletes in contention for nomination should be aware of what information they are being judged by and be given a reasonable opportunity to provide feedback on this.

- It is important that the same information is gathered and considered for each athlete seeking to be selected so that fair comparisons between them can be undertaken.

TIP: Develop a matrix which lists all the athletes seeking selection, and against each of them, list the specific events, results, and comments on each of the other factors which may be considered by the Selectors, as listed in the Selection Policy. This list can be updated as events, results and assessments are completed during the selection period, and can be checked off for each athlete by the Selectors prior to selection.

Selection Decision Making Process

- The Selectors must undertake their decision making process in accordance with the Selection Policy and any terms of reference or procedures set by the NSO. This may include requirements such as having a certain quorum to make a decision, the meeting procedure and the manner and timing of reports to the NSO.
- In making their decision the Selection Policy must be strictly adhered to by the Selectors, both in terms of the being satisfied that the athletes selected meet the specified criteria, and also the applicable procedures.
- Usually the decision making process is iterative throughout the selection period, and as such Selectors may meet in person, by telephone, or communicate via email or other means during this process. Notes should be taken and kept by each of the Selectors for all meetings and communications. It is important that during this process the Selectors do not predetermine any selection decision before all the necessary events, results and other factors are considered.
- It is strongly recommended that the final selection decision is made at a meeting held in person of the Selectors or a teleconference meeting. This should be a structured meeting at which each of the requirements of the Selection Policy are considered step by step (including eligibility and the performance criteria) and the relevant results and assessments for each athlete are assessed against that criteria. Although there may be a cost to bring the Selectors together to meet in person, it is an investment worth making to minimise the risks of omitting important information or challenges to the process.
- The decisions reached by the Selectors should be clear with the reasoning agreed. This meeting and the decisions reached should be minuted.
- It is recommended that a report of the Selectors' decision is prepared, agreed to by all the Selectors and sent to the appropriate person in the NSO. This may be the Chief Executive or the Board depending on the agreed process.

CASE STUDY:

In *Christie v Cycling NZ (2018)* the Sports Tribunal dismissed the appeal but noted the need for "a clear summary of what has occurred at each step and a bullet point coverage of critical issues both positive and negatives which have been of importance in the decision making"

- All the meetings and communications between the Selectors should be confidential. If a coach or High Performance Director/Manager is requested to contribute information to the meeting, they should leave the meeting before any decision is made. This is important to avoid any actual or perceived conflict of interest, undue influence or bias.

Role of the Chief Executive, Board and High Performance Director/Manager

- As the Selectors are usually volunteers it is important they are supported and assisted in their work. This is often done by High Performance staff or other NSO staff. However, it is essential that their role is simply one of assistance to obtain and/or provide information, if requested, or to assist with logistics. NSO staff (CEOs, HPDs etc) should take care to avoid perceptions of inappropriate influence on the selection process.
- NSOs should issue rules or terms of reference which set out the role and authority of the Selectors and the role if any, of NSO staff, the Chief Executive and the Board in the selection process. They should be clear and unambiguous.

- As a general rule, it is not recommended that Board members or NSO staff, such as High Performance Director/Managers and national coaches be appointed as Selectors. If the Board sets the Selection Policy, it should be as independent as possible to the Policy's application and implementation. Similarly the High Performance Director/Manager and/or Chief Executive is usually involved in the development of the Selection Policy and often works closely with the coaches and athletes to whom the Selection Policy applies. As such it is preferable for the Selectors to be independent of those associations to avoid influence on the selection decisions and perceptions of bias.
- In some NSOs, the Chief Executive and /or the Board has a role in approving or ratifying the selectors' decisions. Sometimes this is enshrined in the constitution of the NSO. However care is needed with such a two or three-step approach as the Selectors are deemed to be appointed as experts⁵. This approach can result in interference in the selection decisions (sometimes based on personal observations or experience with athletes) or unnecessary interruptions to the process. It can also increase the risk of procedural errors and challenges to the process.
- If neither the Chief Executive nor the Board are involved in the selection decision, then the documented process should specify the process for communication of the Selectors' decision to the NSO and also to the athletes (see below) and the wider public.

Communicating the Selection Decision

- The task of telling athletes whether or not they have been selected can be an emotional one. It is important to consider who is the best person/s is to do this within the context of the NSO, which may be the national coach, the High Performance Director/Manager, the Chief Executive or a Selector.
- Athletes who are not selected should be directly told of that fact before any public announcement.
- Non-selected athletes should be offered the chance to meet with the Selectors (if available) or if not, given an explanation of why they were not selected as communicated by the Selectors (which discussion should reflect the Selection Policy). They should also be told of their right to appeal. Understanding why they have not been selected can help minimise an athlete's grievance and therefore, the motivation to appeal.

CASE STUDY:

Where appeal rights do exist however, an athlete should be informed of these rights. This was made clear in *Christie v Cycling NZ (2016)*, where the Sports Tribunal noted that "the advice of non-selection should have averted to the appeal rights which existed"

- For all athletes (whether selected or not), after the decision is communicated orally, it should be followed up in writing. Care should be taken with the wording of any explanation for a non-selection decision, to ensure it is consistent with the Selectors' decision and reasoning.
- If a decision to select an athlete is conditional on them meeting a certain requirement, such as proving fitness or signing an athlete agreement, this should be specified in the communication advising of their selection with specific dates or timeframes for the conditions to be met. The consequences of not meeting them should also be made clear such as withdrawal from selection.

Withdrawing Athletes After Selection

- There may be a number of reasons why an athlete may be withdrawn from selection including:
 - injury or illness
 - poor behaviour
 - breach of rules
 - a fall in performance levels
 - withdrawal by the athlete
 - personal circumstances of the athlete
 - a successful appeal by another athlete which forces the selected athlete out of selection.
- In order to withdraw an athlete, the grounds and process for doing so must be specified. This will usually be in the Selection Policy or in an athlete agreement signed upon selection by the athlete.

TIP: Check that the grounds and process to withdraw an athlete from selection in the Selection Policy align with those in the athlete agreement.

- The Selection Policy should specify the process, if any, for any late selection, as a result of an athlete withdrawing from selection.

⁵ See Guidance Note #1 "The Selectors"