

**Mountain Bike Australia (MTBA)**  
**SECTION A**  
**General Selection Eligibility Criteria and Appeals Guide**



**2010 World Championship – ALL Disciplines**

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**MOUNTAIN BIKE AUSTRALIA**

**Section A: General Selection Eligibility Criteria and Appeals Guide APPLIES TO ALL TEAMS and must be applied in unison with the specific selection criteria for each discipline. These are:**

Section B: B1: MOUNTAIN BIKE CROSS COUNTRY OLYMPIC (Elite, U23, U19)  
B2: MOUNTAIN BIKE FOUR CROSS  
B3: DOWN HILL (Elite, U19)

**Section A Applies to ALL MTB DISCIPLINES and to Sections B1- B3)**

## **1. OBJECTIVE**

Unless otherwise specified in the relevant discipline section (B1-B3), the respective National Selection Committee (the selectors) for each discipline will nominate athletes pursuant to the following objectives:

1. To select athletes capable of achieving medal winning results at the 2010 World Mountain Bike and Trials World Championships
  - 1.1 To select junior athletes who have demonstrated potential to progress towards medal winning performances at future World Championships and who are adequately prepared for these World Championships.
2. To select athletes who have demonstrated potential to progress toward medal winning results at future UCI Mountain Bike and Trials World Championships
3. To select athletes who have demonstrated potential to progress toward medal winning results at the 2012 London Olympic Games (XCO only).
  - 3.1 To select development athletes who have demonstrated potential to progress towards medal winning performances at the 2012 and 2016 Olympic Games and who are adequately prepared for World Championships.
  - 3.2 To select athletes who have the potential to be one of the top three ranked Australians on the UCI international ranking at the end of 2010 such that their performance at World Championships may assist Australia to qualify XCO start positions for the 2012 Olympic Games.

## **2. GENERAL INFORMATION**

### **2.1. MTBA Endorsement**

Selection in Australian mountain bike teams will be recommended by the relevant selectors and will be subject to endorsement by the MTBA Management Committee

### **2.2. Eligibility – Selection in National squads and Australian teams**

To be eligible for selection in a National squad or an Australian cycling team, athletes must:

- 2.2.1. Be an Australian citizen.
- 2.2.2. Have a current racing licence issued by MTBA and CA or another federation affiliated with the UCI with the nationality marked as “AUS”.
- 2.2.3. Have read, signed in agreement and returned the execution page of the 2010 MTBA National Team Agreement.
- 2.2.4. Have met the Specific Selection Criteria as set out for the respective cycling disciplines in Sections B1, B2 and B3 of this document.
- 2.2.5. Agree to participate in and meet all competition, training and participation requirements as determined by the MTBA National Coordinators for each discipline or the National Coach.
- 2.2.6. Be available for sample collection and have provided accurate and up-to-date whereabouts information on a regular basis as directed by the UCI and/or the Australian Sports Anti-Doping Authority (ASADA), pursuant to the policies of the UCI, MTBA, CA and the World Anti-Doping Code.
- 2.2.7. Not have breached the Anti-Doping Policies of the UCI, MTBA or CA nor have had a sanction imposed which has not been completed. For the purpose of considering eligibility for selection, a breach of the Anti-Doping Policy may include;
  - a) an athlete under investigation for an Anti-Doping rule violation (ADRV) where an infraction notice has been issued or the athlete has been stood down pursuant to the provisions of the UCI and/or MTBA, CA Anti-Doping Policies; or
  - b) a failure to comply with an athlete’s obligations under UCI, MTBA or CA Anti-Doping Policy, even if such a breach does not result in an ADRV.
- 2.2.8. An athlete will not be considered for selection while under suspension.
- 2.2.9. Any athlete who, after 1 January 2010, has been found guilty of an Anti-Doping Rule Violation and where the consequent penalty applied is a two-year suspension or greater, will no longer be eligible for selection in an Australian national cycling team.

- 2.2.10 Any athlete who is currently under investigation as a result of any indictable criminal charge (even where such charge has been heard summarily) having been brought against them or is currently serving a penalty issued by the Courts as a result of an indictable criminal charge being proven, will not be eligible for selection in an Australian national cycling team, unless he/she is able to satisfy the MTBA Management Committee or the Board of CA (at its sole discretion) that exceptional circumstances apply. Where the MTBA Management Committee is satisfied that exceptional circumstances apply, the athlete may be considered for selection in the national cycling team in accordance with the selection criteria set out in this document. Any request for the Committee to consider an athlete's particular circumstances must be submitted to the Committee in writing.

### **2.3. National Selection Committees (Selectors)**

The role of assessing athletes against the selection criteria is the responsibility of the respective selectors who are appointed by the MTBA Management Committee in accordance with MTBA Laws and Policies

- 2.3.1. The selectors consist of the National Coordinators for each respective discipline and two other independent members who are appointed by the MTBA Management Committee

Where there is a specific sub-discipline coach, then that person is also co-opted as a voting member of the Selectors when considering athletes from that particular sub-discipline.

- 2.3.2. The MTBA Management Committee will appoint a Chairman of Selectors or alternate appropriate person who shall be responsible for facilitating and monitoring the selection procedure in accordance with the policy and criteria and administering the processes of endorsement and advice to athletes.

- 2.3.3. It is the policy of MTBA that where possible, at least one selector or nominated proxy shall be in attendance at any event where athletes' performances shall be considered in the selection process as identified within this policy.

### **2.4 Application for Selection**

Athletes MUST apply by email or in writing to the discipline Coordinator by the final application date indicated in clause 6 of this document to be considered for selection. A submission of results and performances achieved, particularly those relevant to the selection criteria should be included. The application package is available and attached to this document (Appendix 1). It is also the responsibility of the athlete to communicate regularly to the National Coordinator the progress of their training and competition program. Contact information for the National Coordinator is listed in clause 6 of this document. Athletes who have not achieved the selection criteria within the time period are nonetheless encouraged to apply as there are mechanisms in this criteria to allow the Selectors to make selections under the 'Next Best' clause (clause 3.4) or to consider extenuating circumstances (Section A, clause 6).

## **2.5. Communication**

2.5.1. It is the responsibility of each athlete who has indicated their wish to be considered for selection to ensure that their full contact details have been provided to the National Coordinator. This information is crucial to enable the monitoring of an athlete's progress, to be able to communicate important information to an athlete and for the athlete to ensure compliance with the obligations of providing whereabouts information in accord with the MTBA Anti-Doping Policy and the World Anti-Doping Code.

2.5.2. All **correspondence** should be forwarded to:

Tony Scott  
MTBA Executive Officer  
Postal PO Box 17, Mirani, Qld, 4754  
Phone 07 4959 1913  
Email [tony.scott@mtba.asn.au](mailto:tony.scott@mtba.asn.au)

2.5.3. It is also the ultimate responsibility of the athlete to communicate with their National discipline coordinator as to the progress of their training and competition program and to provide a record of current results and performances achieved, particularly those relevant to the specific selection criteria. In order to facilitate this process, such information may be forwarded through the National Team Manager.

## **2.6. Amendment to Selection Criteria**

These criteria and sub sections B1 to B3 may be amended or supplemented, particularly where matters arise which have not been provided for in these criteria. All amendments must be approved by the MTBA Management Committee. If approved, the MTBA Executive Officer (EO) will notify in writing any criteria amendment or supplement and will endeavour to give as much notice as possible to all persons affected by any such amendment or supplement.

## **3. CRITERIA FOR SELECTION IN NATIONAL SQUADS**

**3.1.** Athletes may be added or deleted from a National squad at the discretion of the respective selectors subject to their performances and obligations in accord with their selection in the squad and the specific discipline selection criteria in Sections B1 to B3.

### **3.2. Performance Time Period**

Refer to specific discipline sections of this criteria B1 to B3.

### **3.3 Specific Selection Criteria**

For an athlete to be considered for selection to a National cycling squad they must achieve the specific performance criteria for their respective discipline, as set out in sections B1 – B3.

## **4. SELECTION CRITERIA FOR AN AUSTRALIAN CYCLING TEAM**

### **4.1. Specific Discipline Performance Criteria**

For an athlete to be considered for selection to an Australian cycling team they must achieve the specific performance criteria for their respective discipline, as set out in Sections B1 to B3.

### **4.2. Reserves**

Reserves may be identified for any event. The selectors may reconvene at any time between selection and competition to replace a previously selected rider for reasons which may include failure to maintain performance at the level which earned their selection, due to non-compliance with the MTBA Team Agreement.

### **4.3 Event Preparation**

Athletes selected for this event must be prepared to commit fully to an extended program of preparation and training which may include residential camps, physiological and medical assessment as directed by the National Coordinator/Coach. Failure to attend other than by approved extenuating circumstances (Section A, Clause 6) will result in exclusion from the team.

## **5. AUSTRALIAN CHAMPIONSHIPS**

- 5.1. Athletes seeking selection in an Australian MTB team must compete in the respective Australian Championships for their cycling discipline that immediately precedes the respective 2010 World Championships.
- 5.2. An athlete may be exempted from this criterion only with approval from the National Coordinator prior to the Australian Championships and pursuant to the provisions of clause 6 below.
- 5.3. Where the National Coordinator does not accept the athlete's reasons for exemption from 5.1 above, the athlete will not be eligible for selection in the Australian MTB team.

## **6. EXTENUATING CIRCUMSTANCES**

- 6.1. In considering the performances of athletes at events, trials, training camps or other attendances required under these criteria, the National Coordinator may at his discretion, approve "extenuating circumstances".
- 6.2. For the purposes of clause 6.1 above, extenuating circumstances means an inability to compete, attend training camps or perform at an optimum level arising from:
  - 6.2.1. Injury or illness,
  - 6.2.2. Travel delays,
  - 6.2.3. Equipment failure,
  - 6.2.4. Bereavement or personal misfortune, and/or

- 6.2.5. Any other factors reasonably considered by the National Coordinator to constitute extenuating circumstances.
- 6.3. Athletes unable to compete at events, trials, training camps or other attendances required under these criteria must advise and seek approval from the National Coordinator of this fact and the reasons thereof, with as much advance notice as possible (ideally seven days) prior to the commencement of the event, trial, training camp or other attendance that may be required under this selection criteria.
- 6.4. In the case of injury or illness, athletes will be required to undergo a medical examination by a doctor or doctors nominated by the National Coordinator.
- 6.5. A decision in each case of extenuating circumstances will be made by the National Coordinator on an individual basis.

## **7. SCHEDULE FOR SELECTION PROCESS**

The timeframe for the selection process of the Australian cycling team to contest the 2010 World Championships is set out in each specific discipline section (B1, B2 & B3).

## **8. APPEALS**

An athlete may lodge an appeal against non-selection in a National squad or Australian team. The process for dealing with such an appeal is detailed hereafter:

### **8.1. Grounds of Appeal**

An aggrieved person may appeal against a decision of the selectors in accordance with this policy on the grounds that a decision of the selectors was not made in accordance with this policy, ie, that the selection criteria was not properly followed or implemented.

### **8.2 Procedure for Appeal**

- 8.2.1 Any appeal against a decision of the selectors must be made by the prescribed deadline (usually 48 hours) following any public announcement of the selections;
- 8.2.2 The appeal must be lodged in writing with the EO and accompanied by the prescribed fee (\$250). If the matter does not proceed to a hearing or if the appeal is successful, the appeal fee will be refunded in full.
- 8.2.3 The application for the appeal must set out:
  - a. The decision of the selectors in question;
  - b. The grounds on which the appeal is made; and
  - c. The reasons or circumstances supporting the alleged grounds of appeal.
- 8.2.4 Nothing in this policy prevents the withdrawal of an appeal at any time in writing.
- 8.2.5 On receipt of an appeal in accordance with this policy, the EO must forward the appeal documents to the Selection Review Panel (SRP) without delay.

### **8.3 Constitution of Selection Review Panel**

8.3.1 The MTBA Management Committee will appoint a SRP who will be constituted by any three persons available to hear the appeal, which must include the following:

- a. A person with legal training, experience in dispute resolution, or suitable experience in the process of determining selection appeals in sport, who will act as Chairperson of the SRP;
- b. A person with experience and understanding of cycling or high performance sport and with suitable skills for membership of the panel;
- c. A former elite cyclist; or a person appointed by the discipline rider representative.

8.3.2 No member of the SRP may be a selector or have been a party to or directly interested in the matter under consideration.

### **8.4. Functions of the Selection Review Panel**

The SRP has no power of selection or re-selection. The SRP may review the matter set out in the appeal and may (as appropriate) refer the matter back to the selectors for consideration.

### **8.5. Procedures for the Selection Review Panel**

8.5.1. The SRP shall, as soon as practical after receiving notice of the appeal, investigate and consider the matter and shall within seven days of receiving such notice, progress as follows:

#### **8.5.2. Preliminary Assessment:**

Upon request by the EO, the Chairperson of the SRP may conduct a preliminary review of the grounds for Appeal in order to assess the strength of the appellant's submission. The SRP Chairperson reserves the right to make contact with the appellant and/or selectors, should it be required, for clarification or additional information in this preliminary assessment phase. The SRP will then act in one of the following ways;

- a. Progress to a formal hearing of the appeal, on the basis that preliminary assessments indicate the case warrants a formal hearing; or
- b. Dismiss the appeal and not progress to a formal appeal hearing, ruling the case closed due to lack of merit. The appellant will then be informed in writing of these findings.

8.5.3. If the matter warrants referral to a formal hearing the SRP shall, as soon as practicable, having regard to the timing of selection and proximity of relevant events, direct the EO to serve a notice in writing on the aggrieved party:

- a. Stating that the aggrieved party may address the decision of the SRP at a meeting to be held as soon as practicable, and no later than ten days from the date of the notice;

- b. Stating the date, place and time of that meeting; and
  - c. Informing the aggrieved person that he or she may do any one or more of the following:
    - i. Attend that meeting personally, by teleconference link or by his or her representative, not being legally trained or qualified; or
    - ii. Give the SRP, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.
- 8.5.4. Any other athlete/s that may be affected by the outcome of an appeal shall also be notified and;
- a. Be advised of the appeal and the grounds submitted for appeal; and
  - b. Be provided the opportunity to lodge a written submission or attend a hearing and provide evidence or be represented at the hearing by a nominated person/s.
- 8.5.5. The selectors will also be requested to lodge a written statement outlining the reasons for their selections that impacted upon the non-selection of the aggrieved party. The selectors may attend a hearing and provide further evidence or be represented at the hearing by a nominated person/s.
- 8.5.6. The SRP may conduct a meeting convened in accordance with this policy (or any adjournment thereof) in such manner as it sees fit, but shall:
- a. Give to the aggrieved party and the selectors every opportunity to be heard;
  - b. Give due consideration to any written statement by the aggrieved person;
  - c. Allow the aggrieved person to be present along with his or her adult representative (not being legally trained or qualified); and may, request or require the aggrieved person or any other witness to attend the meeting or provide such evidence as is available.
  - d. Following consideration of all relevant and available information, the SRP shall arrive at a finding. A decision of the SRP shall be by a majority decision.
  - e. The SRP shall notify the EO of its finding within 24 hours.
  - f. If the SRP considers the grounds alleged by the aggrieved person to be satisfied, it shall recommend that the selectors again consider the selection of the relevant squad, team or individual.
  - g. The selectors shall comply with the direction of the SRP in this regard.
  - h. Any further selection decision of the selectors under the direction of the SRP shall be final, and no other further appeal shall be available to the aggrieved person in respect of that selection.

## **8.6. Court of Arbitration for Sport**

### **8.6.1 Right of Appeal to the Court of Arbitration for Sport**

A person who wishes to appeal against a further selection decision of the selectors under the direction of the SRP may appeal to the Court of Arbitration for Sport (CAS). The decision of the CAS will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any court or tribunal other than the CAS.

### **8.6.2 Time in which appeal to the CAS can be lodged**

A person wishing to appeal to the CAS must give written notice of that fact to the EO within 48 hours of the announcement of the decision against which the appeal is made and must then file his or her statement of appeal with the CAS within a further 48 hours.

### **8.6.3 Failure to observe time limits**

Failure of the appellant to observe the above time limits will render any appeal a nullity provided that a person may apply to MTBA for an extension of time in which to commence an appeal. MTBA may grant such an extension only in extenuating circumstances outside the control of the aggrieved person.



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