

Triathlon Scotland - Commonwealth Games 2022

Triathlon Athlete Nomination Process

Nomination Panel

1. The aim of the Nomination Panel (NP) is to nominate a team of eligible athletes that in the opinion of the Panel fulfil criteria for maximising performance in the triathlon events of the Commonwealth Games 2022, in line with the objectives of the Triathlon Scotland Performance Programme. The Panel will be required to base their decision on evidence of athletes having the required standards of both the TS selection policy and the Commonwealth Games Scotland (CGS) General Selection policy, and the number of athlete places allocated by Team Scotland
2. When considering athletes for nomination the primary focus of the NP should be on ensuring that the Scottish Team has athletes on the team who could deliver the key objective of the Triathlon Scotland performance programme which is 1 or more medals (individual sprint, relay, paratriathlon) at the 2022 Games.
3. A portfolio of validated objective evidence needs to be compiled for each athlete by both the Triathlon Scotland performance staff and the individual athletes. This portfolio should identify an athlete's current evidenced ability in three key areas:
 - a. Level of current best performance standard in relation to the CGS selection policy;
 - b. the number of times they have achieved this level of performance; and
 - c. evidence of delivering performance at championships or key identified events. In phase 3-5 in addition to the race data, training information can be submitted for athletes who are being considered for a pilot slot.
4. Nomination Panel composition

The Nomination Panel ("the Panel") for each meeting shall comprise:

 - a. Voting members
 - i. Triathlon Scotland Director of Performance
 - ii. British Triathlon Pathway Manager*
 - iii. Triathlon Scotland Head of Performance
 - b. Non-voting members
 - i. Scottish Institute of Sport High Performance Manager (non-voting)
 - ii. British Triathlon Performance Coach (non-voting) *
 - iii. Triathlon Scotland Legal representation (non-voting)
 - iv. Commonwealth Games Scotland representative (non-voting)

v. Note-taker(s) as required

*Either Olympic or Paratriathlon dependent on selection meeting.

- c. The voting members of the NP are to elect a chairman of the NP to manage its business.
- d. It is to be specifically noted that any member of the NP, whether a voting member or otherwise, who has a conflict of interest will not be able to participate in the meeting and will be replaced by an alternative person with similar skills / knowledge. Should there be a split decision; the Director of Performance will have the casting vote.

5. Phase 1: 1 March 2021 - 30 October 2021;

By Monday 25 October 2021 - all athletes on Triathlon Scotland (TS) Commonwealth Games short list, plus any identified others who have met the minimum standard for consideration for nomination for individual slots are to be contacted by the team manager and provided with the evidence that will be submitted to nomination panel. Athletes will be asked to check and add any additional evidence and then invited to submit their final evidence portfolio that could earn them nomination to the Commonwealth Games team under Phase 1 criteria of TS Commonwealth Games 2022 policy. Athletes will have until 0900hrs on Monday 1 November 2021 to submit their evidence to the NP, through the Head of Performance. Note during Phase 1 athletes nominated for individual slots will be automatically nominated for the relay team.

6. Phase 2,3,4,5: 1 March 2021- 8 May 2022;

By 2 May 2022- all athletes on Triathlon Scotland (TS) Commonwealth Games short list, plus any identified others with potential for nomination for pilot slots are to be contacted by the team manager and provided with the evidence that will be submitted to nomination panel. Athletes will be asked to check and add any additional evidence and then invited to submit their final evidence portfolio that could earn them nomination to the Commonwealth Games team under Phase 2-5 criteria of TS Commonwealth Games 2022 policy. Athletes will have until 0900hrs on Monday 9 May to submit their evidence to the NP, through the Head of Performance.

Note during Phase 2 and 3 athletes nominated for individual slots will be automatically nominated for the relay team.

7. Meetings of the Nomination Panel;

All members of the NP require to be engaged in the meetings of the NP referred to hereafter.

a. Phase 1

A NP Meeting will occur on Wednesday 3 Nov 2021 Voting Members and Advisors can be remotely located if need be. Without limiting the matters that may be discussed and considered, this meeting should specifically seek to address the following;

- i. check submitted portfolio of evidence for the proposed athletes is accurate and fair;
- ii. using the athletes submitted evidence portfolio assess each athlete against the criteria for phase 1
- iii. confirm which athletes fully meet the selection criteria
- iv. agree on preferred options for nominations and put them in priority order;
- v. communicate that decision to CGS and all athletes by 1200hrs on Friday 5 Nov 2021. If requested the NP should seek to explain and provide feedback to the athletes regarding the decision taken regarding that athlete only.

b. Phase 2,3,4,5

There will be a further NP Meeting on Monday 9 May 2022, Voting Members and Advisors can be remotely located if need be. This meeting will;

- i. check submitted portfolio of evidence for the proposed athletes is accurate and fair;
- ii. using the athletes submitted evidence portfolio assess each athlete against the criteria for phases 2-5 dependent on spaces available
- iii. confirm which athletes fully meet the selection criteria at phases 2 -5
- iv. agree on preferred options for nominations and prioritise them;
- v. communicate the decision to CGS and all athletes by 1200hrs on Tuesday 10 May 2022. If requested the NP should seek to explain and provide feedback to the athletes regarding the decision taken regarding that athlete only.

c. Phase 1 Paratriathlon

A NP Meeting will occur on Monday 4 April 2022 Voting Members and Advisors can be remotely located if need be. Without limiting the matters that may be discussed and considered, this meeting should specifically seek to address the following;

- i. check submitted portfolio of evidence for the proposed athletes is accurate and fair;

- ii. confirm athletes that have received a nomination slot can demonstrate top 6 potential
- iii. confirm athletes with qualification slots athletes fully meet the selection criteria
- iv. communicate that decision to CGS and all athletes by 1700hrs on Monday 4 April 2022. If requested the NP should seek to explain and provide feedback to the athletes regarding the decision taken regarding that athlete only.

Appeals Panel

- 8. Any appeal against the decision of the NP is to be lodged by the athlete concerned.
- 9. Grounds for Appeal

An athlete may appeal against a selection/nomination decision relating to CGS nomination only on the grounds that:

- a. there has been a failure to follow the Triathlon Selection Policy for Birmingham 2022;
 - b. the nomination panel (“the Panel”), or any member of it involved in making the relevant selection decision, lacked the required independence and has shown actual bias when making the decision;
 - c. the Panel reached a decision on the basis of an error of fact; OR
 - d. the decision is one that no reasonable decision maker could ever have reached
- 10. If none of these grounds are met the appeal will be automatically dismissed.
- 11. An athlete does not have a right of appeal against any judgement or discretion exercised in the course of making decisions or against the content of the Triathlon selection policy for Birmingham 2022 selection policy itself.
- 12. Athletes who wish to appeal against a decision of the NP on the grounds referred to above should notify the Chief Executive Officer of Triathlon Scotland in writing by the published time and date. Notification can be in hard copy, or an accessible electronic format.

Phase 1 12:00 10 November 2021

Phase 2-5 12:00 12 May 2022

Phase 1 paratriathlon 17:00 5 April 2022

- 13. The Notice of Appeal must set out the full details of the Appellant 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 Appellant Athlete alleges that such ground(s) apply; AND
 - c. any documents or other supporting evidence upon which the Appellant Athlete relies in support of his or her appeal.
14. Where it appears to TS that the interests of any Third Party may be affected by the appeal, they will notify the Third Party of the appeal, provide him/her with a copy of any appeal submissions (and any other relevant documents) and invite the Third Party to make any submissions within 24 hours of receiving the notification. A Third Party shall be under no obligation to make any submissions, but if the Third Party makes any comments the Appeal Panel (AP) will give the Appellant Athlete a copy of these submissions and a limited period of time to make any further submissions in response.
15. The appeal and supporting papers are to be lodged at the registered office of TS. This can be done in hard copy, or an accessible electronic format.
16. The Appeals process requires to be concluded and the result of such intimated to the Triathlon Scotland CEO by the published time and date.
17. On receipt of the Notice of Appeal, the relevant documentation will be forwarded to the AP;
 - a. This panel will consist of:
 - i. TS Chairperson (who will act as the Chair of the AP);
 - ii. TS Athlete Representative; AND
 - iii. Independent Legal Advisor.
 - b. Should the Appellant Athlete object to the make-up of the AP they should state this (alongside their reasons for the objection) in their Notice of Appeal.
 - c. On receipt of any reasonable objection to the make-up of the AP (or should any of the listed AP be unavailable), TS CEO will nominate an appropriate replacement and communicate this to the Appellant Athlete prior to the AP convening to consider the Appellant Athlete's case. TS CEO's decision as to whether to replace the AP member, and the identify of any new AP member, will be final.
18. The AP will meet - and communicate their decision to the Appellant Athlete - within 48 hours of the deadline for receipt of the Notice of Appeal. Any available notes and/or accompanying data/resources used by the nomination panel to make the original selection decision will be provided to the AP to inform their decision making.

19. The AP will assess written appeals and supporting documentation made by athletes on the grounds that the principles of the selection policies have not been adhered to by the NP and that the NP has come to a decision that is plainly wrong.
20. The AP will have the authority to:
 - a. dismiss the appeal and uphold the decision of the NP; or
 - b. to overrule the decision of the NP and substitute its own decision therefore; or
 - c. to request that the NP review its decision and alter it with regard to the decision of the AP.
21. The AP will only hear oral evidence as it deems appropriate. The AP has the power, if it so wishes, to ask the Chair of the NP to explain any matter or aspect of the NP decision that is the subject of the appeal. The AP has the power, if it so wishes, to ask the appealing athlete or any representative thereof to explain any matter arising from the terms of the appeal.
22. If an appeal is deemed incompetent or inadmissible by the AP, then this shall be intimated to the athlete.
23. The decision of the AP, or the second decision of the original nomination panel (having had the matter remitted to them) shall be final.
24. Phase 1 nominations

As required a meeting of the AP will occur prior to 1730 hrs on Monday 15 Nov 2021, this can be remotely located if need be. The AP will conclude on any appeal presented and will inform all relevant parties of its conclusions by 1730hrs on Monday 15 Nov 2021.

Thereafter and only if required the Chair of the NP will call a meeting of the NP prior to 1700 hrs on Tuesday 16 Nov 2021 to consider and conclude upon the outcome of the AP. The conclusion of that NP will be intimated to all relevant parties within 24 hours of its meeting.
25. Phase 1 nominations - paratriathlon

As required a meeting of the AP will occur prior to 1730 hrs on Wednesday 6 April 2022, this can be remotely located if need be. The AP will conclude on any appeal presented and will inform all relevant parties of its conclusions by 0900 hrs on Thursday 7 April 2022.

Thereafter and only if required the Chair of the NP will call a meeting of the NP prior to 1700 hrs on Thursday 7 April 2022 to consider and conclude upon the outcome of the AP. The conclusion of that NP will be intimated to all relevant parties by 0900 hrs on Friday 8 April 2022.

26. Phase 2-5 nominations

As required a meeting of the AP will occur prior to 1700 hrs on Friday 13 May 2022, this can be remotely located if need be. The AP will conclude on any appeal presented and will inform all relevant parties of its conclusions by 0900 hrs on Saturday 14 May 2022.

Thereafter and only if required the Chair of the NP will call a meeting of the NP prior to 1700 hrs on Saturday 14 May 2022 to consider and conclude upon the outcome of the AP. The conclusion of that NP will be intimated to all relevant parties within 24 hours of its meeting.

Commonwealth Games Scotland information

27. Phase 1 Triathlon

By 15 December 2021 Commonwealth Games Scotland (CGS) are to confirm if athlete nominations from Phase 1 have been approved or not.

Within 3 days of CGS confirmation of approval of athlete nominations any TS appeals regarding CGS decisions need to be submitted. As this relates specifically to appeals by TS only reference is made to the CGS General Selection Policy, point 20.

28. Phase 2-5 Triathlon

By 30 May 2022 Commonwealth Games Scotland (CGS) are to confirm if athlete nominations from Phase 2-5 have been approved or not.

Within 3 days any TS appeals regarding CGS decisions need to be submitted. As this relates specifically to appeals by TS only reference is made to the CGS General Selection Policy, point 20.

29. Phase 1 Paratriathlon

By 22 January 2022 Commonwealth Game Scotland (CGS) are to confirm if athlete nominations from Phase 1 paratriathlon have been approved or not.

Within 3 days any TS appeals regarding CGS decisions need to be submitted. As this relates specifically to appeals by TS only reference is made to the CGS General Selection Policy, point 20.