

AUSTRALIAN UNIVERSITY SPORT (“AUS”)

BYLAW OF SELECTION CRITERIA AND PROCEDURES FOR AUS ATHLETES

1. PHILOSOPHY

- 1.1 The over-riding principles to be applied by AUS (including its selectors) in selecting Athletes to teams to represent Australia and the AUS in the various university sport events and activities set out in this By-Law are:
- (a) to identify and select Athletes who have the potential to achieve high quality performance in international university events; and
 - (b) to achieve the specific objective set out for each Sport in the relevant Schedule to this By-Law.
- 1.2 The events and activities for which teams will be selected under this By-Law vary from Sport to Sport (as specified in the Schedules to this By-Law) but include:
- (a) World University Championships;
 - (b) World University Winter Games; and
 - (c) World University Summer Games;
 - (d) international university sport tours, including tours within Australia.
- 1.3 This By-Law will take effect on 1 July 2000, following resolution of the Board of AUS.
- 1.4 This By-Law will remain in force until amended or revoked by the Board of AUS.

2 DEFINITIONS

- Athlete*** means a person who has notified AUS in accordance with this By-Law that he/she wishes to be considered for selection under this By-Law.
- Board*** means the Board of Directors of AUS as constituted under the AUS’s Constitution.
- Chief Executive Officer*** means the Chief Executive Officer of AUS from time to time.

- Event** means the events, competitions, tours and other activities for which AUS chooses to enter a team to compete or participate in as specified in the Schedules to this By-Law.
- Exceptional Circumstances** includes but is not limited to circumstances caused by illness or any other matters outside of the control of the Athlete (eg family bereavement, equipment failure, travel delays) which, in the opinion of the relevant Selection Panel, resulted in either their performance being adversely effected, or which resulted in them not competing in, the relevant Selection Trial/s and/ or training camps. If an Athlete is unable to attend a Selection Trial, event or training camp which is compulsory under this By-Law, s/he must advise the Chief Executive Officer of this fact and the reasons for their non-attendance before the date of the relevant trial, event or camp. In the case of illness or injury the Selection Panel may require the Athlete to undergo a medical examination by a doctor or doctors as determined by the Chief Executive Officer or his/her nominee.
- FISU** means the Federation Internationale Du Sport Universitaire or the International University Sports Federation of which AUS is a member.
- Member Association** has the same meaning as set out in the constitution of AUS.
- Other Considerations** means the considerations which the relevant Selection Panel may take into account in addition to the other criteria in this By-Law, as described in clause 7.5.
- Selection Panels** means the groups of persons appointed in accordance with clause 4.0 of this By-Law who are together responsible for selecting Athletes in the relevant Sport for the relevant teams.
- Selected** means the Athlete has been chosen on behalf of AUS by the Selection Panel to be a member of the relevant team for the relevant Event as set out in this By-Law.
- Selection Trial** means an event or activity designated as such for the purpose of assisting in the selection process.
- Sport** means a sport which is approved by the Board of AUS as one in which AUS may select teams to compete and which includes; Aerobics, Alpine skiing, Athletics, Australian National Football, Badminton, Baseball, Basketball, Biathlon, Boardsailing, Canoeing, Cricket, Cross Country running, Cross Country Skiing, Cycling, Diving, Fencing, Golf, Gymnastics, Hockey, Ice Racing, Ice Skating, Judo, Karate, Kendo, Mountain Bike, Netball, Orienteering, Rowing, Rugby League, Rock Climbing, Rugby Union, Sailing, Snow boarding, Soccer, Softball, Squash, Surfing, Swimming, Table Tennis, Taekwondo, Tennis, Touch, Triathlon, Ultimate Frisbee, Volleyball, Waterpolo, Wakeboarding, Water Skiing, Windsurfing.

3.0 CHANGES TO THIS BY-LAW

- 3.1 Subject to clause 3.2, the Board of AUS may change this By-Law (including the Schedules) from time to time, provided that it shall provide as much notice of such change as is possible to all affected Athletes, Member Associations and others as determined by the Board.
- 3.2 Where the Board of AUS considers it appropriate, it or its representative will consult with the relevant national sporting organisation for the Sport to which the Schedule refers when changes to the Schedules to this By-Law are made.
- 3.3 The Chief Executive Officer will take reasonable steps to give written notice to Athletes affected by any amendments and/or supplements to this By-Law (including the Schedules). It is the responsibility of the Athlete to nominate an address for communications in the application form completed under clause 5.1(b), and to keep AUS notified of any change to that address.
- 3.3 Apart from any other steps the Chief Executive Officer may take, he/she will be deemed to have complied with this clause if he/she posts written notice to the address last notified to AUS by the Athlete.

4.0 SELECTION PANELS

- 4.1 Subject to clauses 4.2, 4.3 and 4.4, there shall be a Selection Panel for each Sport for each Event. Each Selection Panel shall be appointed by the Board of AUS and comprise three persons which shall include:
- (a) A person recommended by the relevant national sporting organisation in respect of the relevant Sport;
 - (b) A Director of the Board, or a nominee of the Board, as determined by the Board; and
 - (c) One other person who has experience with university sport or the relevant Sport for which selections are to be considered.

The Board shall appoint the members of each of the Selection Panels after consulting with the relevant national sports organisation(s). The Board shall appoint one of the three members in each Selection Panel to be the Chair of that Panel.

- 4.2 Additional member(s) may be appointed by the Board of AUS to any of the Selection Panels if it considers it appropriate to do so to ensure adequate skills, experience and gender balance.
- 4.3 The Board of AUS may also direct any member of any Selection Panel to vacate the relevant Panel for such period as the Board considers appropriate where the Board considers, in its sole discretion, the Panel member has an association with a Athlete which may give rise to a question of bias or conflict of interest in the selection process.

- 4.4 Where any member of the Panel advises the Chief Executive Officer that s/he considers s/he is unable or unwilling to meet his/her responsibilities under this By-Law, or the Board makes a direction under clause 4.3, the Board will appoint a replacement to assume that member's role on the relevant Selection Panel.

5.0 PROCESS FOR SELECTION

- 5.1 To be eligible for selection under this By-Law, each Athlete must first:
- (a) Satisfy AUS's Chief Executive Officer that s/he meets the eligibility requirements, and by the due date and time, as set out in clause 6;
 - (b) Complete and sign the application form in Appendix 1 (for FISU events) or Appendix 2 (for non-FISU events); and

return the above to the Chief Executive Officer by no later than the due date and time specified. The Chief Executive Officer may accept the above after this time if in his/her opinion there were/are exceptional circumstances which caused the delay in meeting the due date/time.

- 5.2 If an Athlete is selected under this By-Law, the Athlete acknowledges and agrees that:
- (a) They will be required to sign the AUS Athlete's Agreement as a condition of such selection;
 - (b) S/he may be subject to drug testing by the Australian Sports Drug Agency and other recognised drug testing authority, and must comply with the AUS's Anti-Doping By-Law;
 - (c) S/he must maintain a designated level of fitness, and standard of competitiveness prior to the relevant Event for which s/he has been selected; and
 - (c) S/he must pay the fee or levy (which is non-refundable), if any, as determined by the Board of AUS by the due date, as notified to the Athlete by AUS or on its behalf.
- 5.3 Failure to comply with any part of clauses 5.1 or 5.2 may result in the Athlete not being eligible for selection or if selected, being removed from the team.
- 5.4 An Athlete seeking selection may withdraw their application for selection at any time prior to the selection by giving notice in writing to that effect to the Chief Executive Officer.
- 5.5 Subject to the right of appeal in this By-Law, the decisions of the Selection Panels shall be final. The Selection Panels may, in their discretion, provide reasons for their respective decisions, but there is no obligation on them to do so.
- 5.6 The Selection Panels will determine selections by such date as is advised to the Athletes by the Chief Executive Officer.

- 5.7 There is no obligation on any Selection Panel to fill all or any places in a team, under this By-Law.

6.0 ELIGIBILITY REQUIREMENTS

- 6.1 **FISU Events:** In order to be eligible to seek selection and be selected under this By-Law to compete at a FISU World University Games or World University Championships, each Athlete must:

- 6.1.1 Be an Australian citizen and be at least 17 and less than 28 years of age on January 1st in the year of competition, as per the FISU Regulations
- 6.1.2 be enrolled, and currently proceeding, in a course of study at a university, college of technical and further education or such other tertiary organisation as set out in clause 6.2 of this By-Law. For the purposes of this sub-clause "currently proceeding" includes the fact that the Athlete is not deferred from their course of study at the time eligibility is to be met and until the time specified in clause 6.3; or
- 6.1.3 have graduated from one of the institutions referred to in clause 6.1.2 in the year immediately prior to the Event (so for example, if the Event commences on 1 September 2000 then the Athlete must have graduated after 1 September 1999);

provided that:

- (a) under either 6.1.2 or 6.1.3 above, such eligibility is to be met to the satisfaction of AUS by no later than the date and time on which applications seeking selection under this By-Law close (see clause 5.1) and such eligibility must continue to apply in accordance with clause 6.3 of this By-Law; and
- (b) by the date and time referred to in clause 5.1, the Athlete must provide proof to AUS of compliance with clause 6.1.2 or 6.1.3 by providing:
- (i) in the case of a university, a letter or similar documentation signed by the Executive Officer (or equivalent) of the Athlete's sports union or association at the university or institution, verifying that the Athlete complies with clause 6.1.2 or 6.1.3 at the time of verification and for the period set out in clause 6.3; or
- (ii) in the case of a college of technical and further education or any other tertiary organisation,
- (aa) a letter from the Registrar or equivalent position of the organisation verifying that the course of study undertaken by the Athlete may be credited towards the

type of course of study as described in clause 6.2; and

- (bb) a letter or similar documentation signed by the Executive Officer (or equivalent) of the Athlete's sports union or association at the tertiary organisation verifying that the Athlete complies with clause 6.1.2 or 6.1.3 at the time of verification and for the period set out in clause 6.3;

- 6.2 For the purposes of clause 6.1 the courses of study which apply are those which are a diploma or higher, including an advanced diploma, bachelor degree, graduate diploma, graduate certificate, masters degree and doctoral degree. In addition "Other tertiary organisations", as described in clause 6.1, shall include institutions such a Open Learning Australia.

6.3 If an Athlete is selected under this By-Law the eligibility requirements under clause 6.1 must continue to be met to the satisfaction of AUS until the cessation of the relevant Event for which the Athlete was selected.

6.4 **Non-FISU Events:** In order to be eligible to seek selection and to be selected under this By-Law to compete in a non-FISU international tour, Athletes must:

- (a) be enrolled and currently proceeding in a course of study at a university or other tertiary institution which is a current Member Association of AUS. For the purposes of this sub-clause "currently proceeding" includes the fact that the Athlete is not deferred from their course of study at the time eligibility is to be met; and
- (b) by the date and time on which applications seeking selection under this By- Law close, provide proof to AUS of compliance with (a) by providing a letter or similar documentation, signed by the Executive Officer of the AUS Member Association (or equivalent) to which the Athlete is a member or is associated, of such compliance.

7.0 SELECTION CRITERIA

7.1 The Selection Panels shall select Athletes in each of the following Sports for each of the Events specified in accordance with the selection criteria set out in the Schedules as follows:

- (a) Alpine Skiing - Schedule 1
- (b) Athletics - Schedule 2
- (c) Australian National Football - Schedule 3
- (d) Badminton - Schedule 4
- (e) Baseball - Schedule 5
- (f) Basketball - Schedule 6
- (g) Biathlon - Schedule 7
- (h) Boardsailing - Schedule 8
- (i) Canoeing - Schedule 9
- (j) Cricket - Schedule 10
- (k) Cross Country - Schedule 11
- (l) Cross Country Skiing - Schedule 12
- (m) Cycling - Schedule 13
- (n) Diving - Schedule 14
- (o) Duathlon - Schedule 15
- (p) Fencing - Schedule 16
- (q) Golf - Schedule 17
- (r) Gymnastics - Schedule 18
- (s) Hockey - Schedule 19
- (t) Figure Skating - Schedule 20
- (u) Judo - Schedule 21
- (v) Karate - Schedule 22
- (w) Kendo - Schedule 23
- (x) Mountain Biking - Schedule 24
- (y) Netball - Schedule 25
- (z) Orienteering - Schedule 26

- (aa) Rockclimbing - Schedule 27
- (bb) Rowing - Schedule 28
- (cc) Rugby League - Schedule 29
- (dd) Rugby Union - Schedule 30
- (ee) Sailing - Schedule 31
- (ff) Short Track Speed Skating - Schedule 32
- (gg) Snowboarding - Schedule 33
- (hh) Soccer - Schedule 34
- (ii) Softball - Schedule 35
- (jj) Squash - Schedule 36
- (kk) Surfing - Schedule 37
- (ll) Swimming - Schedule 38
- (mm) Table Tennis - Schedule 39
- (nn) Taekwondo - Schedule 40
- (oo) Tennis - Schedule 41
- (pp) Touch Football - Schedule 42
- (qq) Triathlon - Schedule 43
- (rr) Ultimate Frisbee - Schedule 44
- (ss) Volleyball - Schedule 45
- (tt) Wakeboarding - Schedule 46
- (uu) Water Polo - Schedule 47
- (vv) Waterskiing - Schedule 48

- 7.2 Subject to clauses 7.3 and 7.4, in all selections to which this By-Law applies the criteria to be applied by the Selection Panel for the relevant Sport is that set out in the relevant Schedule for that Sport but subject always to the overriding principles as set out in clause 1.1 of this By-Law.
- 7.3 The overriding philosophy set out in clause 1 shall apply for all selection decisions and as such there is no obligation on the selectors to select Athletes to fill all available places available for the Event.
- 7.4 In all selections made under this By-Law the Selection Panels may decide in their absolute discretion to take account of any Exceptional Circumstances (as defined in clause 2) which may result in a Athlete's performance being adversely affected in a Selection Trial/s or otherwise.
- 7.5 In addition to clauses 7.1 to 7.4, in all selections made under this By-Law the Selection Panels may decide in their absolute discretion to take into account matters in addition to those set out in the relevant Schedules (defined as "Other Considerations" in this By-Law) including the following factors:
- (a) the past performances of the Athlete at club, State and national level in the last two years;
 - (b) past international performances;
 - (c) the attitude and behaviour (past and current) of the Athlete;
 - (d) the Athlete's current level of skill and fitness;
 - (e) any other factors considered relevant in the circumstances.

8.0 SELECTION WITHDRAWAL

- 8.1 An Athlete who is selected under this By-Law may be withdrawn by AUS from the team if s/he:
- (a) breaches or fails to comply with this By-Law;
 - (b) breaches or fails to comply with the AUS Athlete's Agreement;
 - (c) brings AUS or their Sport into disrepute; or
 - (d) has an illness or injury which in the relevant Selection Panel's opinion prevents the Athlete from meeting the overall principles of selection (set out in clause 1).
- 8.2 Any selected Athlete may be withdrawn by AUS if any of the grounds in clause 8.1 occur. AUS shall notify the Athlete in writing of the alleged breach or grounds upon which it is proposed that s/he be withdrawn. The Athlete shall be given a reasonable opportunity (not being less than seven days) to provide reasons why s/he should not be withdrawn.
- 8.3 A selected Athlete may withdraw his/her selection by giving notice in writing to the Chief Executive Officer. AUS reserves the right to demand payment of any funds it has incurred on behalf of the Athlete in respect of their selection. If such withdrawal occurs while the Athlete is at the Event, the Athlete shall be required to meet all costs (including travel, accommodation) from the time of such withdrawal.
- 8.4 If a selected Athlete is withdrawn from selection, the Selection Panel may consider another Athlete who in the Selection Panel's opinion will best achieve the overall philosophy as set out in the clause 1 of this By-Law.

9. NOTIFICATION

- 9.1 All Athletes seeking selection under this By-Law shall be notified by the Chief Executive Officer that they have or have not been selected for a team (as the case may be) by mail to the address specified in the completed application form (Appendix 1 or Appendix 2) as soon as practicable after the Selection Panel has made its decision. The Chief Executive Officer may also advise the selected Athletes of their selection in person.
- 9.2 Any public announcement of any selections will be made by the President of AUS, or their nominee.

10.0 APPEALING DECISIONS

- 10.1 An Athlete who is aggrieved by a decision of the relevant Selection Panel may appeal such decision by the following process:
- (a) by notifying the Chief Executive Officer of their wish to appeal the decision. This notification must be made in writing and received by AUS within 5 days of notification of the Selection Panel's decision as set out in clause 9.1. On receipt of the appeal notice the Chief

Executive Officer shall within 10 days convene and attend a confidential and “without prejudice” meeting with, as many members of the Selection Panel as are available, the Athlete and their authorised representative, if any. The purpose of such meeting is to allow the Selection Panel to explain the selection decision and to see whether the matter can be resolved by agreement.

- (b) If there is no agreement in (a) of this clause, or the Athlete is still aggrieved after the process in (a) of this clause is completed, then s/he may appeal the decision by submitting it to arbitration before the National Sports Dispute Centre (ACN 072 380 217). Such appeal must be in writing to the National Sports Dispute Centre c/- National Dispute Centre 233 Macquarie St, Sydney NSW and made, together with an appeal fee of \$200 (including GST), within 5 days of the conclusion of the process in (a) of this clause. The arbitrator appointed by the National Sports Dispute Centre shall determine the procedure for appeal as s/he thinks fit. The decision of the arbitrator shall be final and binding. The costs of the arbitration shall be shared equally between the AUS and the Athlete.
- (c) There is no further right of appeal.
- (d) Each party shall pay their own legal and other costs associated with an appeal under this By-Law.

11.0 INTERPRETATION

- 11.1 Unless the context otherwise requires, the terms used in this By-Law shall have the same meaning as in AUS’s Constitution.
- 11.2 No particular part of the selection criteria in this By-Law shall be weighed more or less significantly by reason only of the order in which that criteria appears in this By-Law.