

Selection Appeals Procedure

Definition: In this document 'Rower' refers to a sweep oar rower, sculler and coxswain who has signed the GB Rowing Team Registration Form for the current season to be considered for selection to a Championship within the scope of the British Rowing Selection Policy (the "Policy") and holds a current racing licence as a member of British Rowing, Scottish Rowing or Welsh Rowing.

Rowers' Right of Appeal

- 1.1 A Rower has the right to appeal against the decision of the Chief Coach or Selector in respect of the implementation of the Policy as outlined in 1.3, insofar as it relates to that rower ("Appeal"). This means that not only can an Appeal be made against a final selection decision for the World Championships (or equivalent event) but also during the year if a Rower feels that he/she has not been treated fairly in line with the Policy.
- 1.2 Rowers considering an Appeal should refer to the guidance notes found in The Rowers' Handbook published by the GB Rowing Team office.
- 1.3 The Appeals Procedure can only be used to determine:-
 - 1.3.1 Whether the correct procedures have been followed in the implementation of the Selection Policy.
 - 1.3.2 Whether the Chief Coach or Selector has acted reasonably, fairly and without bias in making a decision.
 - 1.3.3 Whether the Rower has been treated fairly in the context of paragraphs 1.3.1 and 1.3.2.

Appeal Procedure

- 2.1 The Rower may commence the appeals procedure by notifying the Chairman of British Rowing in writing (the "Notice of Appeal") by letter or email that he/she wishes to appeal the decision of the Chief Coach/Selector. The Notice of Appeal must be received within five calendar days of the Chief Coach or Selector's decision being communicated to them, by either email or mail at the following address:

Email: annamarie.phelps@britishrowing.org

Address: Chairman, British Rowing, 6 Lower Mall, London W6 1NJ

- 2.2 The notice of appeal shall include:
 - The appellant's name and address and contact details. If the Rower is under eighteen years of age it shall also include their date of birth and the name(s) and contact details of their parent or legal guardian.
 - Details of the decision being appealed and, if available, any copy of the communication; and
 - An email or postal address for correspondence.

- 2.3 The Chairman of British Rowing will, within 24 hours of receipt of a Notice of Appeal, notify the Executive Director of Sports Resolution (UK) (“Executive Director”) of the Appeal, including name(s) and contact details of the Chief Coach or Selector and Performance Director (together the “Respondent”) and ask the Executive Director to appoint a panel of three appropriately qualified independent individuals to hear the Appeal (the “Panel”) including an independent Panel Chairman (the “Panel Chairman”). The Panel shall, where possible, contain one member from the British Rowing Appeal Panel Nominees List agreed annually by the Executive Board of British Rowing with the other two members coming from the Sport Resolutions list of panel members
- 2.4 The Executive Director shall, following receipt of the Notice of Appeal, constitute the Panel as expeditiously as possible.
- 2.5 Under this Appeal Procedures the role of Sport Resolutions is:
- a) To establish the Panel; and
 - b) To assist in the smooth running of the associated proceedings.
- 2.6 As soon as practicably possible, and in any case not later than ten calendar days of the Chief Coach or Selector’s decision being communicated to the Rower, the Rower must submit to the Executive Director in writing a statement (the “Statement of Claim”) setting out the basis on which the Rower is making the Appeal, accompanied by any relevant evidence and appropriate documentation, including any relevant medical information that the Rower considers necessary to support the Appeal.
- 2.7 The Statement of Claim may be sent to the Executive Director by email or post to the following address:
- Email: rharry@sportresolutions.co.uk
Address: Richard Harry, Executive Director, Sport Resolutions, 1 Salisbury Square, London EC4Y 8AE
- 2.8 The Executive Director shall without delay, and no longer than one working day after receipt of the Statement of Claim, supply a copy of the Statement of Claim to the Respondent who shall be entitled to respond in writing as soon as is practicably possible, and in any case not later than five calendar days (the “Response”) of receipt of these documents. The Response should be sent to the Executive Director at the address given above.
- 2.9 The Executive Director shall without delay, and no longer than one working day after receipt of the Response, supply a copy of the Response to the Rower who may make further written representations in reply to the Response and must, assuming the Rower wishes to proceed, within five calendar days of receipt of the Response, request the Executive Director in writing to proceed with the Appeal (the “Request”).
- 2.10 Unless the Panel permits or directs otherwise, the parties shall not submit further arguments after the time limit for the submission of the Response or the Request as the case may be.
- 2.11 If the Respondent or Rower fails to submit the response document within the time limit set the Panel may, in its absolute discretion, nevertheless proceed with the hearing.

Note: IT IS VITAL FOR ROWERS REQUESTING AN APPEAL, AND THE CHIEF COACH OR SELECTOR AND PERFORMANCE DIRECTOR IN RESPONDING TO THE STATEMENT OF APPEAL, TO APPRECIATE THAT THE OUTCOME OF THE APPEAL DECISION MAY HAVE CONSEQUENCES AFFECTING OTHER ROWERS AND THE SUBSEQUENT SELECTION PROCESS. ANY DELAY THEREFORE IN COMMENCING THE APPEAL AND SUBSEQUENTLY PROCESSING THE APPEAL IN ACCORDANCE WITH THE TIME LIMITS ABOVE MAY ULTIMATELY PREJUDICE THE OUTCOME OF THE APPEAL DECISION.

Time and Place of Appeal

- 3.1 The Executive Director shall notify all the parties concerned as early as possible of the place and time the Appeal is to be heard (the “Appeal Hearing”) together with the names of the members of the Panel.
- 3.2 If any party wishes to object to the appointment of a Panel member that party shall, as soon as reasonably practicable after the Panel members are announced, submit in writing to the Executive Director the basis of that objection. Unless the applicable Panel member withdraws or the other party supports the objection the Executive Director shall determine the matter and shall if necessary request that a replacement Panel member be appointed.
- 3.3 The time limits set out in this Appeals Procedure may be extended or reduced by agreement between the parties. In the absence of agreement, the Panel may on application from either party direct that the time limits set out herein may be varied.
- 3.4 The Executive Director will as early as possible prior to the Appeal Hearing circulate to the individual members of the Panel, the Rower and the Respondent, copies of:-
 - 3.4.1 The Notice of Appeal and the Statement of Appeal
 - 3.4.2 The Response
 - 3.4.3 The Request
 - 3.4.4 Any further written representations made by either party which has been allowed by the Panel.
- 3.5 The Panel is empowered to call witnesses, to seek expert advice as necessary and to hear evidence from persons nominated by the parties concerned, where requested. Strict rules of evidence do not apply but all involved should be aware that “hearsay” evidence is unlikely to carry as much weight as evidence within the direct knowledge of the parties and any witnesses.
- 3.6 The Rower may be accompanied or represented at the Appeal Hearing by a maximum of two people. In the case of a Rower who is under eighteen years at the date of the Appeal Hearing a parent or legal guardian should also be present.
- 3.7 The Respondent may be accompanied or represented at the Appeal Hearing by a maximum of two people.
- 3.8 The Panel will hear the evidence of both parties in private unless the parties agree otherwise.
- 3.9 If at any time during the Appeal Hearing there is any unreasonable behaviour the Panel Chairman may bring the proceedings to a close and the Panel will determine the Appeal on the basis of the written and verbal submissions received at that time.

Appeal Hearing Procedure and Decision

- 4.1 The Panel shall hear the Appeal in the following order:
 - 4.1.1 The Rower will present his/her case without interruption, except for the purpose of clarification, from the Panel.
 - 4.1.2 The Panel will ask questions.
 - 4.1.3 The Respondent will present his/her case without interruption, except for the purpose of clarification, from the Panel.
 - 4.1.4 The Panel will ask questions.
 - 4.1.5 Having heard each other's case the Rower and Respondent may raise questions through the Panel Chairman.
 - 4.1.6 The Rower and Respondent shall make final submissions to the Panel with the Rower having the right to be heard last, following which the Appeal Hearing shall be terminated.
- 4.2 The Panel will consider the evidence and notify the Rower, the Respondent and Chairman of British Rowing (and where applicable to Scottish Rowing and/or Welsh Rowing) in writing of its decision as soon as possible and preferably within 24 hours of the Appeal Hearing.
- 4.3 The decision of the Panel is final and there is no further right to appeal. The Panel have no power to change any selection decision but may make recommendations to the Performance Director as set out in 6.1.

Costs

- 5.1 The amount of the cost of Sport Resolutions, including the Panel and any experts appointed by the panel, shall be determined by the Executive Director. Unless the parties otherwise agree or unless the Panel otherwise directs British Rowing shall be liable to Sport Resolutions for this cost.
- 5.2 The parties shall be responsible for their own legal and other costs unless the parties otherwise agree.

Panel's Recommendations

- 6.1 In the event of an Appeal being upheld the Panel shall be entitled to make recommendations to the Performance Director, taking account of:-
 - 6.1.1 the timing of the selection cycle; and
 - 6.1.2 the proximity of any Olympic Games, World Championships or any other event
- 6.2 The Performance Director will consider these and provide a written report of any action taken or not taken to the Board of British Rowing. If the Panel's recommendations are not implemented, the Performance Director shall state the reasons for not doing so in his report. A copy of this report will be sent to the Rower and Respondent.