



Guide to Making an Appeal

Overview

The British Rowing Regulations ('the Regulations') contain a number of detailed provisions concerning grievance and disciplinary actions. These actions will result in a decision being made. In some situations, this decision can be appealed. These guidelines explain which decisions can be appealed, how and on what basis those decisions can be appealed, and how they are resolved.

Disciplinary and Grievance Panel

The Disciplinary and Grievance Panel is an independent specialist panel established by British Rowing to make sure that grievances and disciplinary matters are handled fairly and efficiently. It is the 'dispute resolution' body for certain appeals that can be made as provided for in the Regulations.

What decisions can I Appeal against?

You have the right to appeal against a number of decisions, although this Guidance note only relates to appeals that can be made to the Disciplinary and Grievance Panel. These decisions are listed in the Appendix to this note.

What do I need to make an Appeal?

You cannot make an Appeal simply because you disagree with a decision. You must have a valid reason for making an Appeal, which is referred to as a 'ground'. The grounds for making an appeal can vary depending on what sort of decision has been made. The grounds for appeal are listed in the Appendix to this note.

How is an Appeal Made?

If you want to make an Appeal against a decision, the British Rowing Notice of Appeal form must be completed and sent to British Rowing. This must be completed and sent within twenty-one (21) days of the date of the decision (which is usually the date when you were told about the decision).

You must explain what the decision is, why you are making an Appeal, and why you think that it would not be fair to let the decision stand.



What happens once a Notice of Appeal is sent?

Once British Rowing receives the Notice of Appeal, it will be sent to the Chair of the Disciplinary and Grievance Panel, who will check it to make sure that it complies with the Regulations. If it does not comply with the Regulations, then it will be dismissed. If it is dismissed, you will be told why. If the problems identified with the Notice of Appeal can be fixed, you can re-submit the Appeal once those problems are addressed, but you must do so within the twenty-one day deadline.

Hearing

If the Chair of the Disciplinary and Grievance Panel agrees that the Notice of Appeal complies with the Regulations, there are two potential outcomes.

In some situations, the Chair of the Disciplinary and Grievance Panel may simply refer the decision back to the person who made it for re-consideration. This is explained in the Appendix to this note.

In most situations, however, the Chair of the Disciplinary and Grievance Panel will appoint a hearing panel, which will resolve the Appeal. The hearing panel will be comprised of members of the Disciplinary and Grievance Panel, and those members will select an Appeal Chair. You have the right to object to any member of the Appeal Panel (with reasons). The Chair of the Disciplinary and Grievance Panel will consider any objections, but has the final decision on the make-up of the Appeal Panel.

Hearing Process

The hearing process is explained in the Regulations. The Appeal Panel will always try and announce its decision verbally after the hearing, with a written summary of the decision being provided within seven days of the hearing.



Appendix to Guide to Making an Appeal

Grievance Appeals

Decision	Who can Appeal?	What are the Grounds?
A Grievance is dismissed by an Investigating Officer because it does not comply with the Regulations	This decision cannot be appealed	
The Investigating Officer makes a decision following an investigation into a Grievance	The person who brought the Grievance	<p>If made by the Person who brought the Grievance –</p> <p>The Investigating Officer</p> <ul style="list-style-type: none"> • misinterpreted or did not comply with the Regulations; or • came to a decision that no reasonable person could have come to; or • recommended a penalty, award or sanction that was excessive
	British Rowing	<p>If made by British Rowing –</p> <p>The Investigating Officer</p> <ul style="list-style-type: none"> • misinterpreted or did not comply with the Regulations; or • came to a decision that no reasonable person could have come to; or • recommended a penalty, award or sanction that was <i>so unduly lenient as to be unreasonable</i>.



Misconduct Appeals

Decision	Who can Appeal?	What are the Grounds?
<p>The Misconduct Allegation is dismissed by an Investigating Officer.</p> <p>The Investigating Officers decides that the Misconduct Allegation should be resolved by the Disciplinary and Grievance Panel</p>	<p>Neither decision can be appealed</p>	
<p>The Investigating Officer makes a decision following an investigation into a Misconduct Allegation.</p> <p>The Disciplinary and Grievance Panel makes a decision regarding a Misconduct Allegation after the Misconduct Allegation is referred to it by the Investigating Officer.</p>	<p>Both decisions can be appealed</p> <p>The person who is the subject of the Misconduct Allegation</p> <hr/> <p>British Rowing</p>	<p>If made by the Person who brought the Grievance –</p> <p>The Investigating Officer</p> <ul style="list-style-type: none"> • misinterpreted or did not comply with the Regulations; or • came to a decision that no reasonable person could have come to; or • recommended a penalty, award or sanction that was excessive <hr/> <p>If made by British Rowing –</p> <p>The Investigating Officer</p> <ul style="list-style-type: none"> • misinterpreted or did not comply with the Regulations; or • came to a decision that no reasonable person could have come to; or • recommended a penalty, award or sanction that was <i>so unduly lenient as to be unreasonable</i>.

Regional Disputes

A Regional Dispute is resolved by a hearing panel appointed by the Regional Rowing Council with an appeal right to the Disciplinary and Grievance Panel.

Decision	Who can Appeal?	What are the Grounds?
Decision of Regional Rowing Council hearing panel regarding a dispute between a Club Member and the Regional Rowing Council.	Club Member Regional Rowing Council	The Regional Rowing Council Hearing Panel – <ul style="list-style-type: none"> • ignored or did not consider relevant information; or • was biased or had a conflict of interest; or • failed to adhere to procedures or the Regulations; or • exceeded its jurisdiction; or • made a decision that was irrational or wrong in law
Decision of Regional Rowing Council hearing panel regarding a dispute between a Club or a Competition and another Club or a Competition	Club or a Competition Club or a Competition	The Regional Rowing Council Hearing Panel – <ul style="list-style-type: none"> • failed to adhere to procedures or the Regulations; or • was not independent
Decision of Regional Rowing Council hearing panel regarding a dispute between a Club or a Competition and the Regional Rowing Council	Club or a Competition Regional Rowing Council	<ul style="list-style-type: none"> • ignored or did not consider relevant information; or • was biased or had a conflict of interest; or • failed to adhere to procedures or the Regulations; or • exceeded its jurisdiction; or • made a decision that was irrational or wrong in law