

# British Rowing Athlete Appeals Procedure

## Introduction

The following procedures have been adopted by British Rowing in consideration of any appeal made by or on behalf of any eligible athlete wishing to appeal by virtue of their:

- Non-selection for an international event, or
- Non-nomination to the British Olympic Association or British Paralympic Association for selection to Team GB and Paralympics GB respectively for Paris 2024
- Non-nomination to UK Sport for inclusion in the World Class Programme (WCP)

Any athlete seeking a review of a non-selection/non-nomination decision should be aware of the time limits contained in these procedures which are designed with the intention of resolving issues in a timely and transparent manner.

All athletes should read this procedure carefully and satisfy themselves that they are eligible to appeal in the first instance. Any appeals which do not satisfy the grounds of appeals below will be dismissed automatically.

To assist an athlete and/or their Authorised Representative in determining their rights in relation to non-nomination and what steps they need to take in relation to an appeal, it is recommended they contact the British Athletes Commission (BAC). Details of how to contact the BAC can be found on [www.britishathletes.org](http://www.britishathletes.org).

## Roles and Definitions

### Athlete

'Athlete' refers to sweep rowers, scullers and coxes who have signed the GB Rowing Team Commitment Agreement for the current season to be considered for selection and/or nomination for any International Team within the scope of the British Rowing Selection Policy (the "Policy") and who meet the minimum criteria detailed therein.

### Selection Group

It is the appointed Selection Group's responsibility to select and/or nominate Athletes and crews for any event within the scope of the Policy. In the context of an appeal regarding non-selection / non-nomination for an International event, the Selection Group is the Respondent.

### WCP Nomination Group

It is the appointed WCP Nomination Group's responsibility to nominate Athletes to UK Sport for inclusion in the World Class Programme. In the context of an appeal regarding non-nomination for the WCP, the WCP Nomination Group is the Respondent.

### Director of Performance

The Director of Performance is responsible for the World Class Programme. If an appeal is upheld, the panel's recommendations will be given to the Director of Performance for him/her to consider. It is the Director of Performance's role to report any action taken or not taken to the CEO.

### Chief Executive Officer (CEO)

The Chief Executive Officer is the accountable officer for the World Class Programme and as such will oversee the appeal process.



### **British Rowing Disciplinary & Grievance Panel Chairman (“D&G Panel Chairman”)**

If there is a Notice of Appeal, the Disciplinary & Grievance Panel Chairman or his/her authorised deputy will be responsible for establishing a Selection Appeals Panel and to assist in the smooth running of the associated proceedings.

#### **First Appeal Panel**

The First Appeal Panel shall oversee the first appeal of a selection/nomination decision. The Panel shall be formed by the D&G Panel Chairman at his/her discretion. The Panel shall, where possible, contain at least two members from the British Rowing Selection Appeals Panel Nominees’ List agreed annually by the Board of British Rowing.

#### **Second Appeal Panel**

Should an Athlete choose to proceed to Second Appeal, the Second Appeal Panel shall oversee the final appeal of a selection/nomination decision. The Panel shall be formed by Sports Resolution UK and be bound by the rules of Sports Resolutions UK for matters related to such appeals.

#### **Working Days**

For the purposes of time limits stated in this policy, Working Days refers to 0900 – 1700 Monday through Friday and shall not include Saturdays, Sundays and United Kingdom bank holidays. Where a decision is communicated within a working day, the stated time limit will commence from that point and will close at the same time after the given number of working days. Where a decision is communicated between 1700 and 0900, or at any time on a non-working day, the time limit will start at 0900 of the next available working day and will close at 1700 of the final working day detailed by the time limit.

#### **Example 1:**

Selection decision communicated at 1324 on Thursday, this could be the time an email was sent or the time a Selection Meeting ends – First Notice of Appeal (Time limit – three (3) working days) must be received by 1324 on Tuesday.

#### **Example 2:**

Decision to dismiss first notice of appeal communicated at 0736 on Monday – Second Notice of Appeal (Time limit – two (2) working days) must be sent by 1700 on Tuesday.

## **Appeals Procedure**

### **1. Athletes’ Right of Appeal**

- 1.1 An Athlete only has the right to appeal against any decision of the Selection Group or WCP Nomination Group in respect of the implementation of the Policy or WCP Nomination Process where the Athlete believes that:
  - 1.1.1 there has been a failure to apply the applicable selection/nomination criteria; and/or
  - 1.1.2 there has been a failure to adhere to the procedure set out in the applicable selection/nomination Policy or Process.
- 1.2 An Athlete does not have a right of appeal against any judgement or discretion exercised in the course of making selection/nomination decisions, or against the content of the applicable selection/nomination criteria.

### **2. First Appeals Procedure**

- 2.1 The Appeals Procedure is the only British Rowing procedure an Athlete can use to appeal against a selection or nomination decision made by a Selection Group or WCP Nomination

Group.

2.2 Following the communication of a selection decision the Athlete should:

- Discuss their selection or nomination grievance with a member, or members, of the Selection Group or WCP Nomination Group. This must be in a separate and subsequent meeting to that in which any selection decision is communicated.
- If there is no resolution through discussions with the Selection Group or WCP Nomination Group or if the Athlete cannot discuss the grievance with the Selection Group or WCP Nomination Group, the Athlete should discuss their grievance with the Director of Performance.

2.3 Failing resolution through 2.2 the Athlete may start the appeals procedure by notifying the CEO of British Rowing in writing (the “Notice of Appeal”) by email that they wish to appeal the decision of the Selection Group or WCP Nomination Group. The Notice of Appeal must be received within three (3) working days of the Selection Group or WCP Nomination Group’s decision being communicated to the Appellant by email to the following address:

Email: [ceo@britishrowing.org](mailto:ceo@britishrowing.org)

2.4 If the Athlete fails to submit the Notice of Appeal within the time limit set out in this Appeals Procedure, or fails to seek resolution through 2.2, they will have lost their right of appeal.

2.5 The notice of appeal shall include:

- 2.5.1 The appellant’s name, address and contact details. If the Athlete 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.
- 2.5.2 Details of the decision being appealed;
- 2.5.3 Details of the ground(s) of appeal upon which the Athlete relies, including the precise manner in which the Athlete alleges that the selection/nomination criteria have not been applied or in which the procedure set out in the applicable selection/nomination Policy or Process has not been followed; and
- 2.5.4 Any documents or written evidence upon which the Athlete relies in support of his or her appeal. These documents must be relevant specifically to the Athlete’s grounds of appeal.
- 2.5.5 An email address for correspondence.

2.6 The CEO shall within one (1) working day of receipt of a Notice of Appeal, notify the D&G Panel Chairman of the Appeal, including name(s) and contact details of the Selection Group or WCP Nomination Group and ask the D&G Panel Chairman to establish the First Appeal Panel (the “Panel”). By notifying the D&G Chairman of the Appeal and asking them to establish the First Appeal Panel, the CEO has not accepted that the Athlete has met their obligations under 2.2 and 2.3, and therefore 2.4 may still be triggered. This will be a matter for consideration by the First Appeal Panel.

2.7 The D&G Panel Chairman shall, following receipt of the Notice of Appeal, constitute the Panel within three (3) working days of receipt.

2.8 The Panel will determine whether the Appeal is eligible for consideration and whether there are sufficient grounds to consider the Appeal based on the information provided. After receiving an Athlete’s Notice of Appeal the Selection/Nomination Group will provide the Panel with any relevant points for consideration or meeting notes from the selection/nomination meetings.



- 2.9 If the Notice of Appeal is dismissed the Athlete affected by the selection/nomination decision, or the athletes Authorised Representative, may choose to submit a final formal written Appeal (the Second Notice of Appeal) within two (2) working days of notification of this decision. This formal written appeal must be sent to the CEO of British Rowing.
- 2.10 This will then be referred to Sport Resolutions UK. It is advised that at this point the Athlete and/or their Authorised Representative contact the British Athletes Commission (BAC) to determine the content of their appeal and to access pro bono legal advice.
- 2.11 If the Athlete fails to submit the Second Notice of Appeal within the time limit set out in this Appeals Procedure, they will have lost their right of appeal.
- 2.12 If the First Appeal is upheld, the Panel will ask the relevant Selection Group or WCP Nomination Group members to meet to consider their original selection/nomination decision applying the selection/nomination criteria correctly and rectifying any flaws in the original process. If on consideration of this direction by the Panel the relevant Selection Group or WCP Nomination Group reaches the same decision, endorsed by the Director of Performance, the Athlete or their Authorised Representative can submit a final formal written appeal (the Second Notice of Appeal) within two (2) working days of notification of this decision. This formal written appeal must be sent to the CEO of British Rowing. This will then be referred to Sport Resolutions UK. It is advised that at this point the athlete and/or their Authorised Representative contact the BAC to determine the content of their appeal and to access pro bono legal advice.

### 3. Second Appeals Procedure

- 3.1 The Athlete may start the second appeals procedure by notifying the CEO of British Rowing in writing (the “Second Notice of Appeal”) by email that they wish to appeal the decision of the Selection Group or WCP Nomination Group or the decision of the Appeals Panel established under the First Appeals Procedure (as the case may be).
- 3.2 The CEO will notify Sport Resolutions UK within one (1) working day and provide Sport Resolutions UK with a copy of the Second Notice of Appeal and associated documents relating to the First Appeal. Sport Resolutions UK will then, as soon as reasonably practical, notify British Rowing and the appellant of the members of the Second Appeal Panel, including the anticipated timeframes of the process. By notifying Sport Resolutions UK the CEO has not accepted that the Athlete has met their obligations under 2.9 and therefore 2.11 may still be triggered. This will be a matter for consideration by the Second Appeal Panel.
- 3.3 An Athlete or British Rowing may object to the composition of the Second Appeal Panel by notifying Sport Resolutions UK of the objection and setting out the reasons for such an objection (the “Objection”) within one (1) working day.
- 3.4 Sport Resolutions UK shall, following receipt of an objection, notify the athlete and British Rowing that either:
  - 3.4.1 the composition of the Second Appeal Panel has been changed and provide details of the new Appeal Panel; or
  - 3.4.2 the composition of the Second Appeal Panel has not changed and give reasons why it has not accepted the Objection.
- 3.5 The decision of Sport Resolutions UK on the composition of the Second Appeal Panel under this procedure shall be final.

### 4. Second Appeal Hearing Procedure and Decision

- 4.1 The Chair of the Second Appeal Panel will convene a hearing to take place as soon as practical, and in any event within five (5) working days of notification of the final Panel members, at which the Appeal Panel will consider the Second Notice of Appeal.
- 4.2 The Chair of the Appeal Panel shall consider whether the interests of any Athlete(s) other than the Appellant (the “Interested Party(ies)”) may be affected by the selection/nomination decision under consideration and may direct that such Interested Party(ies) are joined to the Appeal. Where any Interested Party(ies) are so joined, the Appeal Panel will determine the rights of the Interested Party(ies) and they shall be prohibited from raising matters already ruled upon as separate or further appeals.
- 4.3 The Chair of the Second Appeal Panel shall give such directions as are appropriate for consideration of the matter, in particular:
  - 4.3.1 the date and place at which the Second Appeal Panel shall meet to determine the Appeal;
  - 4.3.2 whether the Appeal will proceed by way of written submission or an oral hearing; and
  - 4.3.3 whether the Interested Party(ies) should be required to submit statements of their evidence and/or written submissions prior to the hearing, and if so, a timetable for doing so.
- 4.4 The Second Appeal Panel will consider the grounds set out in the Second Notice of Appeal and establish to their reasonable satisfaction whether or not there has been a failure to apply the applicable selection/nomination criteria and/or that there has been a failure to adhere to the procedure set out in the applicable selection/nomination Policy or Process.
- 4.5 The Second Appeal Panel shall be entitled to:
  - 4.5.1 confirm the selection/nomination decision under appeal and reject the Appeal; or
  - 4.5.2 allow the Appeal and quash the selection/nomination decision under appeal and remit the matter back to the original decision maker identifying the errors they have noted in the conduct of the selection/nomination process and requesting that a new decision is made within two (2) working days. The new decision must remedy the errors identified in the conduct of the process to date to the satisfaction of the Second Appeal Panel. Given this, the new decision cannot be the subject of a further appeal even in the event that the new decision produces the same outcome for the Athlete.
- 4.6 The decision of the Second Appeal Panel shall be reached by majority vote.
- 4.7 Sport Resolutions UK will inform all parties in writing via email, and by such other method of communication as the Appeal Panel shall decide, about the Appeal Panel’s decision to either uphold or reject the Appeal within one (1) working day of the hearing.

## 5. Costs

- 5.1 The Second Appeal Panel has the power at its discretion to make an order for the costs of the Second Appeal to be paid in such proportions as the Second Appeal Panel may decide. The costs may include any room hire, travel and other expenses incurred in establishing the Appeal Panel, but nothing shall be included on account of a party’s professional charges for representation or otherwise.

## 6. No Further Right of Appeal

- 6.1 The decision by Sport Resolutions UK shall be final and binding on the parties and there is



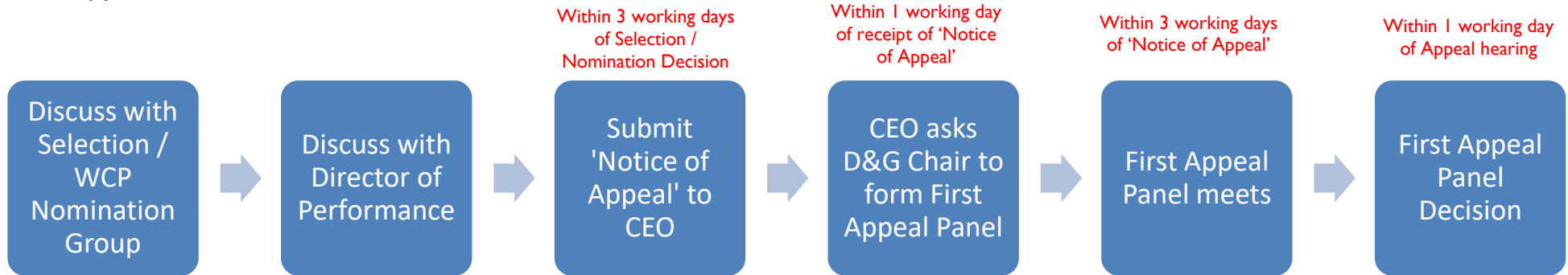
no further right by the Athlete or their Authorised Representative to appeal the original selection/nomination decision.

## **7. Olympic and Paralympic Nominations**

- 7.1 British Rowing reserves the right to amend the appeals procedure as it applies to nominations to the British Olympic Association and British Paralympic Association. Amendments will be made such that any Appeal may be concluded prior to the respective Team Announcement and Delegate Registration Meeting (DRM). Details of any amendments will be included in the 2024 Olympic and Paralympic Selection Policies.

## Appeals Procedure Overview

### First Appeals Procedure



### Second Appeals Procedure

