

BRITISHROWING

GB Rowing Team Athlete Appeal Procedure

September 2023

TEAMWORK | OPEN TO ALL | COMMITMENT



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 ParalympicsGB respectively
- Non-nomination to UK Sport for inclusion in the World Class Programme (WCP)
- Outcome following the conclusion of a misconduct and disciplinary process

Any athlete 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 not just for the appellant but for any other parties affected by the appeal.

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 appeal below or fall outside of the stated timeframes will be dismissed automatically.

Any athlete and/or their Authorised Representative have the option to contact the British Elite Athletes Association (BEAA) to assist in determining their rights and what steps they need to take in relation to an appeal. Details of how to contact the BEAA can be found on <https://britisheliteathletes.org/>.

This Appeal Procedure is the only British Rowing procedure an Athlete can use to formally appeal against a decision relating to the GB Rowing Team.

Roles and Definitions

Athlete

'Athlete' refers to sweep rowers, scullers and coxes who have completed 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 Panel

It is the appointed Selection Panel'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 covered by a Selection Policy, the Selection Panel is the Respondent.

WCP Nomination Panel

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

Chief Executive Officer (CEO)

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

Director of Performance

The Director of Performance is responsible for the WCP. In the event of an Appeal relating to a non-selection or non-nomination decision it is the responsibility of the Director of Performance (or their nominee) to ensure the initial Appeal is given full consideration by the



relevant Selection or Nomination Panel. At all stages of an Appeal it is the Director of Performance's role to report any action taken or not taken to the CEO.

In the context of an appeal regarding a misconduct or disciplinary process outcome, the Director of Performance is the Respondent.

British Rowing Disciplinary & Grievance Panel Chair (D&G Panel Chair)

The Disciplinary & Grievance Panel Chair or his/her authorised deputy will be responsible for establishing any Appeal Panel and to assist in the smooth running of the associated proceedings.

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 Friday, for example, this could be the time an email was sent or the time a meeting to inform an athlete of selection ends – Notice of Appeal (Time limit – two (2) working days) must be received by 1324 on Tuesday.

Example 2:

Decision of Selection Panel to uphold initial decision post Notice of Appeal communicated at 0736 on Monday – Second Appeal (Time limit – by 1200 the next working day) must be sent by 1200 on Tuesday.

Appeal Procedure - Non-Selection & Non-Nomination

1. Athletes' Right of Appeal

- 1.1 An Athlete only has the right to appeal against any decision of the Selection Panel or WCP Nomination Panel 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. Appeal Procedure

- 2.1 Following the communication of a selection decision the members of the relevant Selection or Nomination Panel will be available to discuss any grievances.



- 2.2 In the event that an Athlete is minded to appeal, in the first instance an Appeal is made to the relevant Selection or Nomination Panel. The appeal process is commenced by the Appellant addressing an email to appeals@britishrowing.org. This email must be received within **two (2) working days** of the selection decision being communicated and must contain the Notice of Appeal, comprised of:
- 2.2.1 The appellant's name, address and contact details (email and phone number). 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.
 - 2.2.2 The details of the decision being appealed;
 - 2.2.3 Details of the grounds 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
 - 2.2.4 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.
- 2.3 The relevant Selection or Nomination Panel will consider the Appeal and inform the Appellant in writing as to the outcome of these further deliberations **within one (1) working day**.
- 2.4 The Appellant may raise a Second Appeal if they do not agree with the outcome of the Selection Panel's further deliberations. This Second Appeal must be based on the same grounds of Appeal and Notice of Appeal.
- 2.5 To commence the Second Appeal the Appellant must notify the CEO of British Rowing by email (ceo@britishrowing.org) no later than **1200 of the next working day**.
- 2.6 If a Second Appeal is lodged, the CEO will notify British Rowing's D&G Panel Chair by **1700 of the same working day** to convene an Appeal Panel. The Panel shall, where possible, contain at least two members from the British Rowing Selection Appeal Panel Nominees List agreed annually by the Board of British Rowing. At least one Panel member will be from a legal background.
- 2.7 British Rowing will provide any written response for consideration by the Appeal Panel to the D&G Panel Chair by **1700 of the next working day**.
- 2.8 The Notice of Appeal and British Rowing's response will be considered by the convened panel **within two (2) working days** and where necessary the Appeal Panel may request further information in the process of their deliberations.
- 2.9 The possible outcomes are to:
- 2.9.1 confirm the selection or nomination decision under appeal and reject the Appeal; or
 - 2.9.2 allow the Appeal and quash the selection decision under appeal and remit



the matter back to the Selection or Nomination panel identifying the errors they have noted in the conduct of the selection process, 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 Appeal Panel.

- 2.10 The Appeal Panel will inform all parties of their decision in writing via email **within one (1) working day** of making their decision.
- 2.11 Provided the previous errors are remedied, 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.

3. Costs

- 3.1 The Appeal Panel has the power at its discretion to make an order for the costs of the Appeal to be paid in such proportions as the 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.

4. Olympic and Paralympic Nominations

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

Appeal Procedure - Misconduct & Disciplinary Outcome

5. Athletes' Right of Appeal

- 5.1 An Athlete only has the right to appeal against the outcome of a misconduct and disciplinary process where the Athlete believes that:
 - 5.1.1 there has been a failure to adhere to the procedure set out in the GBRT Athlete Misconduct Policy;
 - 5.1.2 the decision was made without considering all of the relevant facts; or
 - 5.1.3 the decision was not one a reasonable person could have made.

6. Appeal Procedure

- 6.1 Following receipt of the final decision the rower has the right to appeal to the CEO of British Rowing. The appeal process is commenced by the Appellant addressing an email to the CEO (ceo@britishrowing.org). This email must be received **within three (3) working days** of the decision being communicated and must contain the Notice of Appeal comprised of:
 - 6.1.1 The appellant's name, address and contact details (email and phone



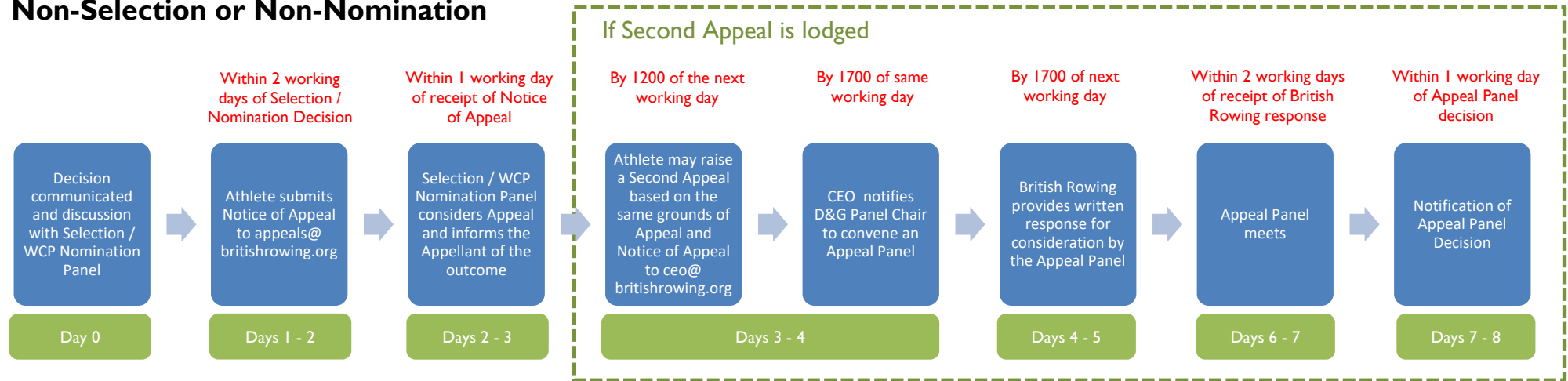
number). If the Athlete is under eighteen years of age it shall also include their date of birth and the name(s) and contact details of their parent or legal guardian.

- 6.1.2 The details of the decision being appealed;
 - 6.1.3 Details of the grounds of appeal upon which the Athlete relies; and
 - 6.1.4 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.
- 6.2 The CEO will consider the Notice of Appeal and **within one (1) working day** will either:
- 6.2.1 confirm the outcome of the misconduct and disciplinary process and reject the Appeal; or
 - 6.2.2 notify British Rowing's D&G Panel Chair to convene an Appeal Panel. The Panel shall, where possible, contain at least two members from the British Rowing Selection Appeal Panel Nominees List agreed annually by the Board of British Rowing. At least one Panel member will be from a legal background.
- 6.3 The Director of Performance will provide any written response for consideration by the Appeal Panel to the D&G Panel Chair by **1700 of the next working day**.
- 6.4 The Notice of Appeal and Director of Performance's response will be considered by the convened panel **within two (2) working days** and where necessary the Appeal Panel may request further information in the process of their deliberations.
- 6.5 The possible outcomes are to:
- 6.5.1 confirm the outcome of the misconduct and disciplinary process and reject the Appeal;
 - 6.5.2 in the event of the Appeal being upheld on the grounds of 5.1.1 and/or 5.1.2 - quash the final decision and remit the matter back to the Director of Performance identifying the errors they have noted in the conduct of the process or facts that were not adequately considered, 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 Appeal Panel; or
 - 6.5.3 in the event of the Appeal being upheld on the grounds of 5.1.3 – quash the final decision and make a new decision.
- 6.6 The Appeal Panel will inform all parties of their decision in writing via email **within one (1) working day** of making their decision.
- 6.7 The new decision cannot be the subject of a further appeal.



Appeal Procedure Overview

Non-Selection or Non-Nomination



Misconduct & Disciplinary Outcome

