



SELECTION APPEALS PROCEDURE

1. ROWERS RIGHT OF APPEAL

- 1.1 Any rower registered in the International Rowing Programme is entitled to appeal against a decision of the Lead Coach in respect of the implementation of the International Rowing Policy insofar as it relates to that rower. In such circumstances, the rower shall appeal to the Chief Executive Officer of Rowing Ireland in accordance with paragraph 3 for determination in accordance with this Appeals Procedure.
- 1.2 The appeals process can only be used to determine :-
 - 1.2.1 Whether the correct procedures have been followed in the implementation of the International Rowing Policy.
 - 1.2.2 Whether the Lead Coach has acted reasonably, fairly and without bias in making a decision.
 - 1.2.3 Whether the rower has been treated fairly in the context of paragraphs 1.2.1 and 1.2.2.

THE APPEALS PROCEDURE OF ITSELF HAS NO POWER OF SELECTION

Prior Consultation

- 2.1 Rowers wishing to appeal should, prior to commencing an appeal:
 - 2.1.1 Consult with the Lead Coach, any of the Rowers' Representatives, the Performance Director and the Chief Executive Officer ("the CEO"), either separately, collectively or both to establish the reasons for the decision and the scope for review of the decision.
 - 2.1.2. Such consultations are not obligatory but may help to resolve the situation, clarify any misunderstandings or help identify the issues in dispute before an appeal is formally notified.
- 2.2 Consultations referred to at 2.1 are not binding but they may be referred to in any appeal, as may any failure or refusal to participate in such consultations.

Starting the Appeal

- 3.1 Rowers should commence the appeals procedure by notifying the CEO in writing setting out full details of the basis upon which the rower wishes to appeal against the decision of a Lead Coach (Notice of Appeal). The Notice of Appeal should be accompanied by any relevant documentation, including medical information that the rower wishes to rely on.
- 3.2 The CEO shall supply copies of the Notice of Appeal to the Lead Coach and Performance Director who shall be entitled to respond in writing within 5 days, or such other time as may be specified by the CEO, to the CEO ("the Response").

- 3.3 The CEO shall without delay supply copies of the Response to the rower who may make further written representations in reply to the Response and/or request the CEO in writing proceed with the Appeal (“the Request”).

IT IS VITAL FOR ROWERS REQUESTING AN APPEAL AND THE LEAD COACH IN RESPONDING TO THE NOTICE OF APPEAL, TO APPRECIATE THAT THE OUTCOME OF THE APPEAL MAY HAVE CONSEQUENCES AFFECTING OTHER ROWERS AND THE SUBSEQUENT SELECTION PROCESS. ANT DELAY THEREFORE IN COMMENCING AND PROCESSING THE APPEAL MAY ULTIMATELY PREJUDICE THE OUTCOME OF THE APPEAL.

Appointing the Appeal Panel

- 4.1 The CEO shall, following receipt of the Request constitute as expeditiously as possible a panel to hear the appeal (“the Panel”). The Panel will comprise three members, namely:
- 4.1.1 A member of the Board nominated by the CEO
 - 4.1.2 An ex-International rower
 - 4.1.3 An informed independent person who could be a member of another National Governing Body or the Just Sport Ireland Arbitration Panel.
- 4.2 The Panel shall appoint one of its members to chair the appeal (“the Panel Chairman”).
- 4.3 When constituting the Panel, the CEO shall have regard to the principle that the Panel should be and be seen to be impartial and open-minded.
- 4.4 The Panel will have been selected from a list of not less than nine people, who have been agreed with the Rowers Representatives and approved by the CEO, in March of each year. If necessary, an informed independent person (as defined in clause 4.1.3) not on the approved list can be appointed to the Panel if accepted by the CEO as having sufficient knowledge of the sport of rowing and by the Rower’s Representatives as being independent.
- 4.5 The Panel will report its findings in writing first to the rower, the Lead Coach and the Performance Director and as soon as practicable thereafter to the CEO, and Rowing Ireland Board.

Time and Place of Appeal

- 5.1 The CEO shall notify all the parties concerned as soon as possible of the place and time of the appeal together with the names of the members of the Panel.
- 6.1 The CEO will as early as possible prior to the date of the appeal circulate to the individual members of the Panel, the rower, Lead Coach and Performance Director copies of :-
- 6.1.1 Notice of Appeal and other relevant documentation on which the rower wishes to rely
 - 6.1.2 The Response
 - 6.1.3 The Request
 - 6.1.4 Any further written representations
- 6.2 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 the “hearsay” evidence is unlikely to carry as much weight as evidence within the direct knowledge of the parties and any witnesses.

- 6.3 The rower may be accompanied or represented at the hearing by a maximum of 2 people. In the case of a rower who is a minor at the date of the appeal hearing one of the representatives should be a parent or a guardian.
- 6.4 The Panel will hear the evidence of both parties in private unless the parties agree otherwise.
- 6.5 If at any time during the 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

- 7.1 The Panel shall hear the appeal in the following order:
 - 7.1.1 The rower will present his/her case without interruption, except for the purpose of clarification, from the Panel.
 - 7.1.2 The Panel will ask questions.
 - 7.1.3 The Lead Coach will present his/her case without interruption, except for the purpose of clarification, from the Panel.
 - 7.1.4 Having heard each other's case either party may raise questions through the Panel Chairman.
 - 7.1.5 Each party shall make final submissions to the Panel with the rower having the right to be heard last following which the appeal shall be terminated.
 - 7.1.6 The Panel will consider the evidence and notify the parties in writing of its decision as soon as possible and preferably within 24 hours of the appeal.

Panel's Recommendations

- 8.1 In the event of an appeal being upheld the Panel shall be entitled to make recommendations to the Lead Coach and Performance Director having regard to:-
 - 8.1.1 The timing of the selection cycle
 - 8.1.2 The proximity of any Championships
- 8.2 The Performance Director will make every effort to have the Panel's recommendations implemented.
- 8.3 The Performance Director will provide a written report of any action taken or not taken to the Chief Executive Officer. If the Panel's recommendations are not implemented, the Performance Director shall state his reasons in his report. A copy of this report will be sent to the relevant parties.
- 8.4 A decision of the Panel may be appealed exclusively to the Just Sport Ireland or Equivalent Body Arbitration procedure, for resolution in accordance with the Just Sport Ireland or Equivalent Body Arbitration rules.
- 8.5 Any appeal to Just Sport Ireland or Equivalent Body must be filed within fourteen (14) days from receipt of the Rowing Ireland Appeals panel decision by the party filing the appeal. Thereafter, the procedural rules of Just Sport Ireland or Equivalent Body will apply.