



## **SELECTION APPEALS PROCEDURE**

### **1. Rowers Right of Appeal**

- 1.1 Any Rower registered in Rowing Ireland's High Performance Programme is entitled to appeal against a decision of a National Coach in respect of the implementation of the Rowing Ireland Selection Policy, insofar as it relates directly to that Rower. In such circumstances, the Rower shall appeal to the Chief Executive Officer ("CEO") of Rowing Ireland in accordance with paragraph 2 and 3 below.
- 1.2 The Selection Appeals Procedure can only be used to determine: -
  - 1.2.1 Whether the correct procedures have been followed in the implementation of the Rowing Ireland Selection Policy.
  - 1.2.2 Whether the National 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.

#### **NOTE: THE SELECTION APPEALS PROCEDURE OF ITSELF HAS NO POWER OF SELECTION**

- 1.3 Any appeal by a Rower against a decision of a National Coach in respect of implementation of the Rowing Ireland Selection Policy, must be made in accordance with the Selection Appeals Procedure detailed below.

### **2. Prior Consultation**

- 2.1 Before submitting a formal appeal a Rower must have first consulted with the National Coach involved in the decision, any of the Rowers' Representatives, the High Performance Director and the CEO, either separately, collectively or both to establish the reasons for the decision.
- 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

### **3. Submitting a Notice of Appeal**

- 3.1 The Rower must give initial written notice of his or her intention to appeal the decision to the CEO within 48 hours of the announcement of the decision against which the appeal is made ("**Initial Notice**"). The Initial Notice should refer to any discussions that the Rower has had with the Lead Coach, High Performance Director or CEO in relation to the decision pursuant to 2.1.

- 3.2 By 5pm the day after delivery of the Initial Notice under 3.1 at the latest<sup>1</sup>, the Rower must submit in writing to the CEO the formal grounds for the appeal (the “**Notice of Appeal**”) attaching any relevant documentation, including medical information that the Rower wishes to rely on. The Notice of Appeal itself shall contain the succinct grounds for appeal and ideally should not exceed 2 pages/1000 words in length.
- 3.3 The CEO shall supply copies of the Notice of Appeal to the National Coach and High Performance Director who shall be entitled to respond in writing within 4 working days, or such other time as may be specified by the CEO (“the **Response**”).
- 3.4 The CEO shall without delay supply copies of the Response to the Rower who may make further written representations in reply to the Response. However, in the event that the Rower wishes to proceed to hearing, the Rower must, within 24 hours of being provided with the Response, request a hearing in writing to the CEO (“the **Request for Hearing**”). A Request for Hearing must be accompanied by a contribution to the costs of the hearing of €500 payable by the Rower either by cheque or electronic transfer to Rowing Ireland. This €500 sum will be refunded to the Rower by Rowing Ireland in the event the appeal is upheld.

**IT IS VITAL FOR ROWERS REQUESTING AN APPEAL AND THE NATIONAL 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. ANY DELAY THEREFORE IN COMMENCING AND PROCESSING THE APPEAL OR MAKING THE PAYMENT CONTRIBUTING TO THE COSTS OF THE HEARING MAY ULTIMATELY PREJUDICE THE OUTCOME OF THE APPEAL.**

#### **4. Appointing the Appeal Panel**

- 4.1 The CEO shall, following receipt of the Request for Hearing, 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 Sport Dispute Solutions Ireland (SDSI), formerly 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 should 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. 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.

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<sup>1</sup> I.e if Initial Notice is delivered on a Wednesday, Notice of Appeal must be delivered by 5pm, on Thursday.

## **5. 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.
- 5.2 The CEO will as early as possible prior to the date of the appeal circulate to the individual members of the Panel, the Rower, National Coach and High Performance Director copies of: -
  - 5.1.1 The Initial Notice
  - 5.1.2 The Notice of Appeal and other relevant documentation on which the Rower wishes to rely
  - 5.1.3 The Response
  - 5.1.4 The Request for Hearing
  - 5.1.4 Any further written representations furnished to the CEO by either the Rower, the National Coach, or the High Performance Director which a party requests to include as part of the appeal hearing.
- 5.3 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.
- 5.4 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.
- 5.5 The Panel will hear the evidence of both parties in private unless the parties agree otherwise.
- 5.6 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.

## **6. Appeal Hearing Procedure and Decision**

- 6.1 Generally, appeal hearings will follow the order below:
  - 6.1.1 The Rower will present his/her case without interruption, except for the purpose of clarification, from the Panel.
  - 6.1.2 The Panel may ask questions.
  - 6.1.3 The National Coach will present his/her case without interruption, except for the purpose of clarification, from the Panel.
  - 6.1.4 Having heard each other's case either party may raise questions through the Panel Chairman.
  - 6.1.5 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.

6.1.6 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.

## **7. Panel's Recommendations**

7.1 In the event of an appeal being upheld, the Rower's contribution towards the costs of the hearing of €500 will be refunded to the Rower and the Panel shall be entitled to make recommendations to the National Coach and High Performance Director having regard to:-

7.1.1 The timing of the selection cycle

7.1.2 The proximity of any Championships

7.2 The High Performance Director will make every effort to have the Panel's recommendations implemented.

7.3 The High Performance Director will provide a written report of any action taken or not taken to the CEO. If the Panel's recommendations are not implemented, the High Performance Director shall state his reasons in his report. A copy of this report will be sent to the relevant parties.

7.4 A decision of the Panel may be appealed exclusively to the SDSI or Equivalent Body Arbitration procedure, for resolution in accordance with the SDSI or Equivalent Body Arbitration rules.

7.5 Any appeal to SDSI or Equivalent Body must be filed within twenty-four (24) hours from receipt of the Rowing Ireland Appeals panel decision by the party filing the appeal. Thereafter, the procedural rules of SDSI or Equivalent Body will apply.

Version	Date	Author	Changes
1.0	Unknown	M. McElroy	New Version
1.1	May, 2015	M. Espersen, H. Adams	8.5 JSI
1.2	March 2019	Dominic Burke	
1.3	October 2019	Dominic Burke	OFI requirements
1.4	March 2020	Dominic Burke	OFI required timelines