

## **Selection Appeal Procedures**

- 1.** An athlete who fails to be selected for a national team may appeal against omission from that team in accordance with point 2 of this procedure.
- 2.** The sole grounds of any appeal by an athlete are that:
  - An athlete's omission from the team was because of a failure by the Selection Panel to properly or fairly apply the selection criteria set out in the Selection Policy or;
  - The Selection Panel demonstrated clear bias in favour of a selected athlete.
  - Any appeal will proceed in accordance with the procedures set out below.
- 3.** Any athlete wishing to appeal against his/her omission from the team (herein after referred to as the "Appellant") shall email the CI Performance Director outlining the reasons together with supporting evidence to substantiate the appeal (herein after referred to as the "Initial Appeal"). Such an email must be received within 48 hours of the athlete receiving the outcome of the Selection Panel decision. The CI Performance Director will consider the Appellant's appeal and shall email an answer to the Appellant within 48 hours of receiving the Appellant's email (herein after referred to as the "Appeal Response").
- 4.** If the Appellant is not satisfied with this response received pursuant to clause 3 above they may forward a further written Notice of Appeal to the Canoeing Ireland Chief Executive Officer at the Canoeing Ireland office, to be received within 48 hours of the date of the Appeal Response. The written Notice of Appeal should refer to any communications that the Appellant has had with the CI Performance Director in relation to the decision pursuant to clause 3. Communications referred to in clause 3 are not binding but they may be referred to in any appeal. Email [ceo@canoe.ie](mailto:ceo@canoe.ie)
- 5.** The written Notice of Appeal itself shall contain the succinct grounds for appeal and ideally should not exceed 2 pages/1000 words in length. The time limits for lodging the Notice of Appeal and accompanying appeals document is mandatory. Failure to comply with these time limits will result in an appeal being dismissed without consideration.
- 6.** The written Notice of Appeal must also be accompanied by a contribution to the costs of the appeal of €200 payable by the Appellant by electronic transfer to Canoeing Ireland. This €200 sum will be refunded to the Appellant by Canoeing Ireland in the event the appeal is upheld.
- 7.** The Chief Executive Officer shall supply copies of the written Notice of Appeal to the Selection Panel who shall be entitled to respond in writing within 5 working days, or such other time as may be specified by the Chief Executive Officer (herein after referred to as the "Response").
- 8.** The Chief Executive Officer shall without delay supply copies of the Response to the Appellant who may make further written representations (within 48 hours) in reply to the Response. The Appellant may request the Chief Executive Officer proceed with the Hearing of the Appeal (herein after referred to as "the Request for Hearing").
- 9.** The Chief Executive Officer shall, following receipt of the Request for Hearing, constitute as expeditiously as possible a panel to hear the appeal (herein after referred to as "the Appeal Panel"). The Appeal Panel will comprise three members, namely:

- A member of the Canoeing Ireland Board nominated by the Chief Executive Officer.
- An ex-International Canoe Sport Athlete.
- An informed independent person who could be a member of another National Governing Body or the Sport Dispute Resolution Ireland Arbitration Panel (formerly Just Sport Ireland).

**10.** The Panel shall appoint one of its members to chair the appeal (herein after referred to as “the Appeal Panel Chairperson”).

**11.** When constituting the Appeal Panel, the Chief Executive Officer shall have regard to the principle that the Appeal Panel should be and should be seen to be impartial and open-minded.

## **12. Time and Place of Appeal**

**12.1** The Chief Executive Officer 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 Appeal Panel.

**12.2** The Chief Executive Officer will as early as possible prior to the date of the appeal circulate to the individual members of the Appeal Panel, the Appellant, and the CI Performance Director copies of:

- The Initial Appeal.
- The written Notice of Appeal and other relevant documentation on which the Appellant wishes to rely.
- The Response.
- The Request for Hearing.
- Any further written representations.

**12.3** The Appeal 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.

**12.4** The Appellant may be accompanied or represented at the hearing by a maximum of 2 people.

**12.5.** The Appeal Panel will hear the evidence in private unless the parties agree otherwise.

**12.6** If at any time during the hearing there is any unreasonable behaviour in the reasonable opinion of the Appeal Panel Chairperson then the Appeal Panel Chairperson may elect to bring the proceedings to a close and thereafter the Appeal Panel will determine the appeal on the basis of the written and verbal submissions prior to that time.

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

**13.1** The Appeal Panel shall hear the appeal in the following order:

**13.2** The Appellant will present his/her case without interruption, except for the purpose of clarification, from the Appeal Panel.

**13.3** The Appeal Panel will ask questions.

**13.4** The CI Performance Director will present his/her case without interruption, except for the purpose of clarification, from the Appeal Panel.

**13.5** Either party may raise questions through the Appeal Panel Chairperson.

**13.6** Each Party shall make final submissions to the Appeal Panel with the Appellant having the right to be heard last following which the appeal shall be concluded.

**13.7** The Appeal Panel will consider the evidence and having done so shall decide and shall notify the parties in writing of its decision as soon as possible and preferably within 24 hours of the appeal hearing.

**13.8** The Appellant can withdraw an appeal at any time.

#### **14. Panel's Recommendations**

**14.1** In the event of an appeal being upheld the Appeal Panel shall be entitled to make recommendations to the CI Performance Director having regard to:

- The timing of the selection cycle.
- The proximity of any Championships.
- The CI Performance Director will make every effort to have the Appeals Panel's recommendations implemented.

**14.2** The CI Performance Director will provide a written report of any action taken or not taken to the Chief Executive Officer. If the Appeal Panel's recommendations are not implemented, the CI Performance Director shall state his/her reasons in his/her report. A copy of this report will be sent to the relevant parties.

**14.3** A decision of the Appeal Panel may be appealed exclusively to Sport Dispute Solutions Ireland (Herein after referred to as the "SDSI"), for resolution in accordance with the SDSI Arbitration rules.

**14.4** Any appeal to SDSI must be filed within seven (7) days from receipt of the Canoeing Ireland Appeals Panel decision by the party filing the appeal. Thereafter, the procedural rules of SDSI apply.