



British Triathlon Federation (BTF)
Selection and Nomination Appeals Procedure

1. OVERVIEW

- 1.1. This document sets out BTF's Appeals Procedure where an athlete ("the Appellant Athlete") wishes to appeal any selection decision taken in respect of WCP membership or any of the competitions listed under Schedule 1.
- 1.2. Due to the volume of international competitions that BTF participates in (and the corresponding number of selection processes) it is not practical to administer an appeals process for every level of competition. BTF must take a proportionate approach to how it spends its resources. Administering appeals requires considerable management time and other resources and therefore BTF does not provide appeals against selection decisions for events not listed under Schedule 1.
- 1.3. At World Triathlon Championships Series (WTCS), World Cup and Continental Cup level BTF have a limited ability to "substitute" athletes in/out of start-lists. These substitutions can only be made within 48 hours of the publication of the relevant World Triathlon event start-list. Therefore, where the issue of substitution arises, due to the short timescales involved, it is not possible to conduct appeals that relate to a decision over which athlete to substitute into/out of World Triathlon events.
- 1.4. This Procedure is the Appeals Procedure referred to in the BTF Athlete Agreement (section 8, paragraph 2.2.1) and governs all challenges to a selection/nomination decision by an athlete wishing to be a member of the WCP or compete in any event listed in Schedule 1, whether or not he/she has signed the Athlete Agreement.
- 1.5. Any athlete seeking a review of a non-selection/nomination/de-selection decision should be aware of the time limits contained in the policy - which are designed with the intention of resolving issues in a timely, fair and transparent manner.
- 1.6. This Procedure is the only applicable appeals procedure and forms the entire agreement between each athlete wishing to be selected for the WCP or any competition listed under Schedule 1 and BTF (together, "the Parties"). The Parties agree not to commence, continue, or maintain any legal challenge to any matter covered by this policy before any court of law. The Parties will treat all decisions under this Procedure as final and binding upon them.
- 1.7. The Parties agree that this Procedure is to be treated as an arbitration procedure under Part 1 of the Arbitration Act 1996 ("the Act") and the provisions

of clause 1.6 above amount to a binding arbitration agreement for the purposes of section 6 of the Act. The seat of the Arbitration shall be England.

- 1.8. To assist an athlete and/or their Authorised Representative in determining their rights and what steps they need to take in relation to an appeal, it is recommended that they contact the British Athletes Commission (BAC) for advice. Details of how to contact the BAC can be found at www.britishathletes.org.
- 1.9. This Procedure sets out two forms of appeal. There are 'Internal Appeals' and 'SRUK Appeals'. In the case of nomination to Olympic or Paralympic Games teams, the Internal Appeals Process will not apply, and the appeal will proceed exclusively to Sport Resolutions UK in accordance with the provisions at 5 below. All other provisions of this Procedure will apply to Olympic and Paralympic appeals, including the requirements to prove at least one of the eligible grounds of appeal.
- 1.10. Other than in respect of the Olympic and Paralympic Games (which must proceed exclusively to SRUK) and WCP selections (which may proceed through both internal and SRUK panels) all appeals will be dealt with under the internal appeals process only.

2. GROUNDS FOR APPEAL

- 2.1. An athlete may appeal against a selection/nomination decision relating to the WCP or one of the competitions outlined in Schedule 1, only on the grounds that:
 - a. there has been a failure to follow the applicable Selection or Nomination Policy;
 - b. the selection/nomination panel ("the Panel"), or any member of it involved in making the relevant selection decision, lacked the required independence and has shown actual bias when making the decision;
 - c. the Panel reached a decision on the basis of an error of fact; OR
 - d. the decision is unreasonable and one that no reasonable decision maker could ever have reached. *Please note, athletes are advised that this ground cannot be used simply because an athlete believes the Panel made the wrong choice. The decision would need to be so unreasonable that no reasonable person/panel (acting reasonably) could have made it. It would not be sufficient to prove that that the decision was merely unreasonable.*

If none of these grounds are met the appeal will be automatically dismissed.

- 2.2. An athlete does not have a right of appeal against any judgement or discretion exercised in the course of making decisions, or against the content of the applicable selection policy itself.

3. INTERNAL APPEAL

- 3.1. This Procedure is commenced when an Appellant Athlete submits a formal written appeal that credibly identifies one of the permitted grounds of appeal ("the Notice of Appeal") to appeals@britishtriathlon.org. BTF will endeavour to acknowledge receipt of any appeals submissions via email within 6 business hours.
- 3.2. The Notice of Appeal must be received by BTF within the following timelines:

- a. For selection decisions taken in respect of a competition listed at Schedule 1 - within **48 hours** of the selection decision being communicated in writing (usually via email) to eligible athletes; OR
 - b. For selection decisions taken in respect of the WCP - within **5 working days** of the selection decision being communicated in writing (usually via email) to eligible athletes.
- 3.3. The Notice of Appeal must set out the full details of the Appellant Athlete's ground(s) of appeal and include:
- a. details of the decision which the athlete is appealing;
 - b. details of the ground(s) of appeal upon which the athlete relies, including the precise manner in which the Appellant Athlete alleges that such ground(s) apply; AND
 - c. any documents or written evidence upon which the Appellant Athlete relies in support of his or her appeal.
- 3.4. Where it appears to BTF that the interests of any Third Party may be affected by the appeal, they will notify the Third Party of the appeal, provide him/her with a copy of any appeal submissions (and any other relevant documents) and invite the Third Party to make any submissions within 24 hours of receiving the notification. A Third Party shall be under no obligation to make any submissions, but if the Third Party makes any comments the Appeal Panel will give the Appellant Athlete a copy of these submissions and a limited period of time to make any further submissions in response.

4. INTERNAL APPEALS PANEL

- 4.1. On receipt of the Notice of Appeal, the relevant documentation will be forwarded to the Internal Appeal Panel. This panel will consist of:
- BTF Chairperson (who will act as the Chair of the First Appeals Panel);
 - BTF Athlete Representative; AND
 - BTF Legal Advisor.
- 4.2. Should the Appellant Athlete object to the make-up of the Internal Appeal Panel they should state this (alongside their reasons for the objection) in their Notice of Appeal.
- 4.3. On receipt of any **reasonable** objection to the make-up of the Internal Appeal Panel (or should any of the listed Appeal Panel be unavailable), BTF CEO will nominate an appropriate replacement and communicate this to the Appellant Athlete prior to the Internal Appeal Panel convening to consider the Appellant Athlete's case. BTF CEO's decision as to whether to replace the Panel member, and the identify of any new Panel member, will be final.
- 4.4. In the case of selection to teams the Internal Appeal Panel will meet - and communicate their decision to the Appellant Athlete - within 48 hours of the deadline for receipt of the Notice of Appeal (appeals against selections to the WCP will not be subject to a specific timescale but will be dealt with as quickly as reasonably feasible). Any available notes and/or accompanying data/resources used by the selection/nomination committee to make the original selection decision will be provided to the Internal Appeal Panel to inform their decision making.
- 4.5. The Internal Appeal Panel shall be entitled to:

- a. **dismiss** the appeal and confirm the original selection/nomination decision; OR
 - b. **uphold** the appeal and remit the matter back to the original selection/nomination panel, outlining the errors they have identified in the conduct of the original selection/nomination process, and request that a new decision is made within 48 hours.
- 4.6. In the case of selection to teams, the decision of the Internal Appeal Panel, or the second decision of the original selection/nomination panel (having had the matter remitted to them) shall be final.
- 4.7. In the case of selections relating to the WCP, should the Internal Appeal Panel dismiss the appeal, or the original selection/nomination panel reach the same conclusion, they may appeal to SRUK (see below).

5. SRUK APPEAL

- 5.1 This Procedure applies to Olympic and Paralympic Games selection decisions and second WCP appeals (having first appealed to the Internal Appeal Panel as outlined above) only and is commenced when an athlete affected by a relevant selection decision makes a formal written Appeal (the 'Notice of Appeal') to 'Sport Resolutions UK' of 1 Salisbury Square, London EC4Y 8AE, in accordance with 5.2 below. A copy of the Notice of Appeal must also be filed at the same time with BTF (at appeals@britishtriathlon.org). Sport Resolutions will appoint an Appeal Panel consisting of a single arbitrator in accordance with their Appeal Arbitration Rules. The Appeal shall be conducted under Sport Resolutions UK's Appeal Arbitration Rules, as amended by the provisions of this Procedure.
- 5.2 The Notice of Appeal must be received by Sport Resolutions within **72 hours** of the selection decision being communicated to the athlete (or in the case of WCP selections, within 72 hours of decision by the Internal Appeals Panel/reconvened original selection/nomination panel) and must contain the information required under the Sport Resolution Rules for the Statement of Appeal, no separate Statement of Appeal will be required or permitted.
- 5.3 BTF's Reply to SRUK will be filed within 72 hours of receipt by BTF of the Notice of Appeal.
- 5.4 Neither Party will be entitled to proceed under the 'Full Arbitration Procedure' of SRUK.
- 5.5 The Appeal Panel/Sole Arbitrator will seek to reach his or her decision within 7 days of receipt of the Notice of Appeal.
- 5.6 Where it appears to the Panel that the interests of any Third Party may be affected they will notify the Third Party of the Notice of Appeal, provide him/her with a copy of any appeal submissions (and any other relevant documents) and invite the Third Party to make any submissions within 24 hours of receiving the notification. SRUK will give the Appellant Athlete a copy of these submissions and a limited period of time to make any further submissions in response.
- 5.7 The SRUK Appeal Panel shall be entitled to:
- a. **dismiss** the appeal and confirm the original selection/nomination decision; OR
 - b. **uphold** the appeal and remit the matter back to the original selection/nomination panel, setting the errors they have identified in the

conduct of the selection process, and requesting that a new decision is made within 48 hours.

- 5.8 BTF will bear 75% of SRUK costs in the establishing and conducting of the SRUK Appeal Panel (unless the sole arbitrator orders otherwise). BTF shall not be responsible for paying or contributing to the Appellant Athlete's professional charges for representation or otherwise or any personal costs involved (such as travel).

SCHEDULE 1

This Procedure applies to selections made for the Olympic and Paralympic WCP (including decisions relating to programme level), as well as selections/nominations for the following international competitions:

Olympic

Olympic Games (non-nomination by BTF and pre-DRM de-selection)
World Triathlon Senior World Championships
World Triathlon/European Triathlon Senior Standard and Sprint Distance European Championships
World Triathlon Championships Series (WTCS)
World Triathlon World Cup Series
World Triathlon Continental Cup Series

Paralympic

Paralympic Games (non-nomination by BTF and pre-DRM de-selection)
World Triathlon Senior World Championships
World Triathlon Para Series
World Triathlon/European Triathlon Senior Standard and Sprint Distance European Championships

Multisport

World Triathlon Elite Aquathlon World and European Championships
World Triathlon Elite Cross Triathlon World and European Championships
World Triathlon Elite Duathlon World and European Championships
World Triathlon Elite Long-Distance World and European Championships