

British Triathlon

Selection Process

Appeals Policy

The following procedures have been adopted by the BTF in consideration of any appeal made by or on behalf of any athlete wishing to appeal by virtue of his or her non-nomination

- To the ITU for an international event
OR
- To UKS for WCPP selection

Any athlete seeking a review of a non-nomination/pre-DRM 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. All athletes should read this policy carefully and satisfy themselves that they are eligible to appeal in the first instance. Any appeals which do not satisfy the grounds of appeals below will be dismissed automatically.

To assist an athlete and/or their Authorised Representative in determining their rights in relation to non-nomination and what steps they need to take in relation to an appeal it is recommended they contact the British Athletes Commission (BAC). Details of how to contact the BAC can be found on www.britishathletes.org.

The parties agree not to commence, continue, or maintain any legal challenge to any matter falling under the jurisdiction of the appeals panel before any court of law or dispute resolution body without first following this procedure.

1. Grounds for Appeal

An athlete may appeal against a nomination decision only on the grounds that:

- there has been a failure to apply the applicable selection criteria; and/or
- there has been a failure to adhere to the procedure set out in the applicable nomination policy.

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

2. Appeals Procedure

This Appeals Procedure is commenced when an athlete affected by a selection decision, or the athlete's Authorised Representative, submits a formal written appeal (the Notice of Appeal) to Kay Simnett, BTF Chief Operations Officer via email (kaysimnett@britishtriathlon.org).

The Notice of Appeal must be received by the BTF within 48 hours of the selection decision being announced or communicated to the athlete, whichever is later.

If the athlete fails to submit the Notice of Appeal within the time limit set out in this Appeals Process he or she will have lost their right of appeal.

The Notice of Appeal must set out full details of the 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 athlete alleges that the selection criteria have not been applied or in which the procedure set out in the applicable nomination policy has not been followed; and
- c) 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.

3. Appeals Panel

On receipt of the First Notice to Appeal, Kay Simnett, BTF Chief Operations Officer will forward this documentation to the First Appeal Panel. This panel will consist of;

- Ian Howard (Chairman of BTF and Chair of Appeals Panel)
- Clare Cunningham (British Triathlon Athlete Representative)
- Mike Townley (Legal Advisor to the BTF)

The Appeals Panel will determine whether there are sufficient grounds to consider the appeal based on the information provided. The minutes from the selection meetings will be provided to the panel to satisfy themselves that the process set out in the original selection decision was followed.

If the Notice to Appeal is **dismissed** the athlete affected by the selection decision, or the athlete's Authorised Representative, can submit a final formal written appeal (the Second Notice of Appeal) within 48 hours of notification of this decision. This formal written appeal must be sent to Kay Simnett, BTF Director of Finance & Business Operations via email (kaysimnett@britishtriathlon.org). This will then be referred to Sport Resolutions UK. It is advised that at this point the athlete and/or their Authorised Representative contact the British Athletes Commission to determine the content of their appeal and accessing pro bono legal advice.

If the appeal is **upheld**, the First Appeal Panel will ask the relevant Nomination Committee to consider their original selection applying the selection criteria correctly and rectifying any flaws in the original process. If on consideration of this direction by the First Appeal Panel the relevant Nomination Committee reaches the same decision the athlete or the athlete's authorised representative, can submit a final formal written appeal (the Second Notice of Appeal) within 48 hours of notification of this decision. This formal written appeal must be sent to Kay Simnett, BTF Chief Operations Officer via email (kaysimnett@britishtriathlon.org). This will then be referred to Sport Resolutions UK. It is advised that at this point the athlete and/or their Authorised Representative contact the BAC to determine the content of their appeal and accessing pro bono legal advice.

4. Second Appeal

Upon receipt of the Second Notice of Appeal, Kay Simnett, BTF Chief Operations Officer, will notify as soon as possible Sport Resolutions UK and provide Sport Resolutions UK with a copy of the Second

Notice of Appeal. Sport Resolutions UK will then as soon as reasonably practicable notify the BTF and the appellant of the members of the Second Appeal Panel.

An athlete or the BTF may object to the composition of the Second Appeal Panel by notifying Sport Resolutions UK of the objection and setting out the reasons for such an objection (the Objection) no later than two days from the date of the notice of the composition of the Second Appeal Panel.

Sport Resolutions UK shall within three days from the date of the receipt of an objection, notify the athlete and the [NGB] that either:

- (a) the composition of the Second Appeal Panel has been changed and provide details of the new Appeal Panel; or
- (b) the composition of the Second Appeal Panel has not changed and give reasons why it has not accepted the Objection.

The decision of Sport Resolutions UK on the composition of the Second Appeal Panel under this Rule shall be final.

The Chair of the Second Appeal Panel will convene a hearing to take place as soon as practical, and in any event within five working days of receipt of the Second Notice of Appeal by the BTF, at which the Appeal Panel will consider the Notice of Appeal.

The Chair of the Appeal Panel shall consider whether the interests of any athlete(s) other than the Appellant (the Interested Party or Interested Parties) may be affected by the nomination decision under consideration and may direct that such Interested Party/ Interested Parties are joined to the Appeal. Where any Interested Parties are so joined, the Appeal Panel will determine the rights of the Interested Parties and they shall be prohibited from raising matters already ruled upon as separate or further appeals.

The Chair of the Second Appeal Panel shall give such directions as are appropriate for consideration of the matter, in particular:

- (a) the date and place at which the Second Appeal Panel shall meet to determine the Appeal;
- (b) whether the Appeal will proceed by way of written submission or an oral hearing; and
- (c) whether the parties and Interested Parties should be required to submit statements of their evidence and/or written submissions prior to the hearing, and if so, a timetable for doing so.

The Second Appeal Panel will consider the grounds set out in the Second Notice of Appeal and establish to their reasonable satisfaction whether or not there has been a failure to apply the applicable selection criteria and/or that there has been a failure to adhere to the procedure set out in the applicable Nomination Policy.

The Second Appeal Panel shall be entitled to:

- (a) confirm the nomination decision under appeal and reject the Appeal; or

- (b) allow the Appeal and quash the nomination decision under appeal and remit the matter back to the original decision maker identifying the errors they have identified in the conduct of the selection process and requesting that a new decision is made within [48] hours.

The decision of the Second Appeal Panel shall be reached by majority vote.

Sport Resolutions UK will inform all parties in writing and by telephone (or such other method of communication as the Appeal Panel shall decide) about the Appeal Panel's decision to either uphold or reject the Appeal within 24 hours of the hearing.

The Second 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 Second 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

5. No Further Right of Appeal

On communication of the decision by Sport Resolutions UK, there is no further right by the athlete or their Authorised Representative to appeal the original selection decision.