



Welsh Rowing Appeals Procedure 2019

In this document 'Rower' refers to a sweep oar rower, sculler or coxswain who completed the Welsh Rowing registration form for the current season to be considered for selection for HIR 2019.

1. Rowers' Right of Appeal.

1.1 A Rower has the right to appeal against the decision of the Team Coordinator in respect of the implementation of the Selection Policy insofar as it relates to that rower ("Appeal").

1.2 The Appeals Procedure can only be used to determine:-

1.2.1 Whether the correct procedures have been followed in the implementation of the Selection Policy.

1.2.2 Whether the Team Coordinator 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.

2. Appeal Procedure

2.1 The Rower may commence the appeals procedure by notifying the Chief Executive Officer in writing (the "Notice of Appeal") by email that he/she wishes to appeal the decision of the Team Coordinator. The Notice of Appeal must be received within 24 hours of the Team Coordinator's decision being communicated to the Rower formally by the Team Manager, by email at the following address:

Email: helen.tan@welshrowing.com

2.2 The notice of appeal shall include:

The appellant's name, address and contact details. If the Rower is under eighteen years of age it shall also include their date of birth and the name(s) and contact details of their parent or legal guardian. Details of the decision being appealed and, if available, any copy of the communication; and an email address for correspondence.

A statement (the "Statement of Claim") setting out the basis on which the Rower is making the Appeal, accompanied by any relevant evidence and appropriate documentation, including any relevant medical information that the Rower considers necessary to support the Appeal.

2.3 The Chief Executive Officer will, within 24 hours of receipt of a Notice of Appeal, appoint a panel of three appropriately qualified independent individuals to hear the Appeal (the "Panel") including an independent Panel Chairman (the "Panel Chairman").

The Panel shall, where possible, contain one member from the Welsh Rowing Board, one member from another Welsh or UK governing body and one member of the rowing community.

2.4 The Chief Executive Officer shall, following receipt of the Notice of Appeal, constitute the Panel as expeditiously as possible.

2.5 The Statement of Claim may be sent to the Chief Executive Officer by email to:

Email: helen.tan@welshrowing.com

2.6 Simultaneously to constituting the Panel, the Chief Executive Officer shall without delay, and no longer than one working day after receipt of the Statement of Claim, supply a copy of the Statement of Claim to the Team Coordinator who shall be entitled to respond in writing as soon as is practicably possible, and in any case not later than one working day (the "Response") of receipt of these documents. The Response should be sent to the Chief Executive Officer at the email address given above.

2.7 The Chief Executive Officer will forward the Response to the Rower within 12 hours and the Rower must state whether they wish to take Appeal to Panel within 12 hours of receipt of the Response.

2.8 Unless the Panel permits or directs otherwise, the parties shall not submit further arguments after the time limit for the submission of the Response or the Request as the case may be.

2.9 If the Respondent or Rower fails to submit the response document within the time limit set the Panel may, in its absolute discretion, nevertheless proceed with the hearing.

Note: IT IS VITAL FOR ROWERS REQUESTING AN APPEAL, AND THE TEAM COORDINATOR TO APPRECIATE THAT THE OUTCOME OF THE APPEAL DECISION MAY HAVE CONSEQUENCES AFFECTING OTHER ROWERS AND THE SUBSEQUENT SELECTION PROCESS. ANY DELAY THEREFORE IN COMMENCING THE APPEAL AND SUBSEQUENTLY PROCESSING THE APPEAL IN ACCORDANCE WITH THE TIME LIMITS ABOVE MAY ULTIMATELY PREJUDICE THE OUTCOME OF THE APPEAL DECISION.

Time and Place of Appeal

3.1 The Chief Executive Officer shall notify all the parties concerned as early as possible of the place and time the Appeal is to be heard (the "Appeal Hearing") together with the names of the members of the Panel.

3.2 If any party wishes to object to the appointment of a Panel member that party shall, as soon as reasonably practicable after the Panel members are announced, submit in writing to the Chief Executive Officer the basis of that objection. Unless the applicable Panel member withdraws or the other party supports the objection the Chief Executive Officer shall determine the matter and shall if necessary request that a replacement Panel member be appointed.

3.3 The time limits set out in this Appeals Procedure may be extended or reduced by agreement between the parties. In the absence of agreement, the Panel may on application from either party direct that the time limits set out herein may be varied.

3.4 The Chief Executive Officer will as early as possible prior to the Appeal Hearing circulate to the individual members of the Panel, the Rower and the Respondent, copies of:-

- The Notice of Appeal and the Statement of Appeal
- The Response
- The Request
- Any further written representations made by either party which has been allowed by the Panel.

3.5 The Rower may be accompanied or represented at the Appeal Hearing by a maximum of one person. In the case of a Rower who is under eighteen years at the date of the Appeal Hearing a parent or legal guardian should also be present in addition to the person above.

3.6 The Respondent may be accompanied or represented at the Appeal Hearing by a maximum of one person.

3.7 The Panel will hear the evidence of both parties.

3.8 If at any time during the Appeal 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

4.1 The Panel shall hear the Appeal in the following order:

4.1.1 The Rower will present his/her case without interruption, except for the purpose of clarification, from the Panel.

4.1.2 The Panel will ask questions.

4.1.3 The Respondent will present his/her case without interruption, except for the purpose of clarification, from the Panel.

4.1.4 The Panel will ask questions.

4.1.5 Having heard each other's case the Rower and Respondent may raise questions through the Panel Chairman.

4.1.6 The Rower and Respondent shall make final submissions to the Panel with the Rower having the right to be heard last, following which the Appeal Hearing shall be terminated.

4.2 The Panel will consider the evidence and notify the Rower, the Respondent and Chairman of Welsh Rowing in writing of its decision as soon as possible and within 24 hours of the Appeal Hearing.

4.3 The decision of the Panel is final and there is no further right to appeal.

Panel's Recommendations

5.1 In the event of an Appeal being upheld the Panel shall be entitled to make recommendations to the Team Manager, taking account of:-

5.1.1 The timing of the selection cycle; and

5.1.2 the proximity of the Home International Regatta 2019

5.2 The Team Manager will consider these and provide a written report of any action taken or not taken to the Chair of Welsh Rowing. If the Panel's recommendations are not implemented, the Team Manager shall state the reasons for not doing so in their report. A copy of this report will be sent to the Rower and Respondent.