

**Performance – Appeals Policy**

These Guidelines do not replace the Archery GB (AGB) Disciplinary/Appeals Policy which will remain the overarching process with Performance related disciplinary matters and can replace this document should it be deemed necessary.

* A Team Member may appeal against a disciplinary decision or a sanction or both. Further details enclosed below.
* You may not appeal against any decision or sanction resulting from a Summary hearing.
* The appeals policy for matters of selection concerns itself solely with the *process* of selection.  It makes no provision for consideration of the *actual* *decisions* of the selection panel.  In other words, an appeals panel specifically does not sit as a new, higher, selection panel and has no brief to assess the relative merits of athletes under consideration. Rather, the appeal considers the approach taken by the panel and its assessments in reaching its decisions, and specifically in its employment of:
* the published criteria for selection;
* other specific basis for assessment;
* any other relevant factors.
* All Team Members will be allowed to be **accompanied** at any hearing. If the Team Member is under 18 years of age then they must also be accompanied by a parent/legal guardian.

**1. Appeal Procedure - Disciplinary**

1.1. It shall be open to both Archery GB and the Respondent to seek to appeal the disciplinary panel’s decision. Appeals shall proceed as follows:

1.2. In the case of an appeal by the Respondent, a written Notice of Appeal shall be sent to the Archery GB Director of Sport within Seven days of the receipt of the written decision of the disciplinary outcome. Notification can be forwarded by post, hard copy in person or by email (if submitting your notification by email, then you must also call the Performance Office within working hours to make payment of the fee).

1.3. The Notice of Appeal shall summarise the grounds of appeal and why the Respondent considers that the disciplinary panel’s decision was wrong. The Respondent shall also submit a fee of £150 to Archery GB, which shall be refunded if their appeal is successful but shall otherwise be forfeited towards the costs of the appeal.

1.4. In the case of an appeal by Archery GB the decision whether or not to appeal shall be taken by Archery GB. Should they decide to appeal, they will serve a Notice of Appeal on the Respondent within seven days of receipt of the written decision of the disciplinary panel. The Notice of Appeal shall summarise the grounds of appeal and why Archery GB considers that the disciplinary panel’s decision was wrong.

1.5. In the case of any appeal, Archery GB will instruct Sport Resolutions (UK) to undertake the appeals process in accordance with Sport Resolutions (UK) Arbitration Rules. Archery GB and the Respondent will have the opportunity to object to the proposed member(s) of the tribunal (Ref 3), with any such objection to be ruled upon by Sport Resolutions (UK) or someone appointed to do so by them; Thereafter Archery GB will ensure that Sport Resolutions (UK) is provided with the papers, a copy of the decision of the disciplinary panel and the Notice of Appeal.

1.6. Sport Resolutions (UK) shall set such further directions for the determination of the appeal as they consider fit, in order to ensure a fair and just disposal of the appeal at a hearing. The appeal shall ordinarily proceed by way of review of the disciplinary panel’s decision, but may proceed by way of rehearing if either of the parties to the appeal so requests and Sport Resolutions (UK) considers it appropriate.

1.7. When determining the appeal, Sport Resolutions (UK) may uphold the decision of the disciplinary panel or may substitute its own decision for that of the disciplinary panel.

The parties shall bear their own costs of participating in any appeal.

**2. Appeals Procedure – Selection**

2.1. This document sets out Archery GB’s Appeals Process for all appeals by an athlete in respect of:

* international team selection decisions;
* all decisions to nominate an athlete to the British Olympic or Paralympic Association for selection to compete at an Olympic or Paralympic Games;
* decisions relating to the selection for an Archery GB team or training squad where there is no separate appeals process or review policy relating to the team or training squad in question;
* any decision by Archery GB to deselect or remove an athlete from a team or training squad.

2.2. This appeals process is commenced when an athlete affected by a selection decision, or the athletes authorised representative, submits a formal written appeal (’’the Notice of Appeal’’) To the Director of Sport.

2.3. The Notice of Appeal must be submitted within 72 hours of the selection decision being announced or communicated to the athlete, whichever is earlier. Notification can be forwarded by post, hard copy in person or by email (if submitting your notification by email, then you must also call the Performance Office within working hours to make payment of the fee).

2.4. The Notice of Appeal shall summarise the grounds of appeal (Ref 2.5.) and why the Respondent considers that the appropriate process or procedure has not been followed. The Respondent shall also submit a fee of £150 to Archery GB, which shall be refunded if their appeal is successful but shall otherwise be forfeited towards the costs of the appeal.

2.5. An athlete may appeal against a selection decision falling within one of the categories above only on the grounds that:

(a) there has been a failure to apply the applicable selection criteria; and/or that

(b) there has been a failure to adhere to the procedure set out in the applicable Selection Policy.

Any appeals which do not satisfy the grounds of appeals below, will be dismissed automatically by the Director of Sport, who may also seek further independent advice from other National Governing Bodies and/or Funding Partners on the matter prior to any dismissal.

2.6. In a case where it is deemed there are grounds for appeal, Archery GB will instruct Sport Resolutions (UK) to manage the appeal process in accordance with Sport Resolutions (UK) Arbitration Rules. Sport Resolutions (UK) shall appoint a single arbitrator drawn from the Sport Resolutions (UK) Panel of Arbitrators (“the Arbitrator) to consider the appeal.

2.7. Sport Resolutions (UK) shall notify Archery GB and the Appellant in writing of the identity of the Arbitrator within two working days of receiving the Notice of Appeal.

2.8. A party may challenge the appointment of the arbitrator(s) where there are justifiable doubts as to the Arbitrator(s) impartiality or independence or where the party raises a material objection. Such challenge must be made in writing to Sport Resolutions (UK) within two working days of the party being notified of the Arbitrator’s appointment.

2.9. Unless the Arbitrator elects to withdraw, Sport Resolutions (UK) shall decide on the validity of the challenge within two working days.

2.10. The Appeal shall be heard by way of written submissions unless the Appellant requests an oral hearing at the time of giving Notice of Appeal or the Arbitrator so directs. Such hearings shall take place on a date and at a place to be determined by the Arbitrator.

 2.11. The decision of the Arbitrator shall be final and binding on the parties, and there shall be no further right of appeal.

2.12. The Arbitrator 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.

2.13. The parties shall bear their own costs of participating in any appeal.

***Ref 3.*** *Any disciplinary dispute submitted to Sports Resolutions (UK)shall be decided by a one or three member tribunal (“the tribunal”) appointed by the Executive Director of Sport Resolutions (UK) unless the parties have otherwise agreed in writing(within any timescale notified by the Executive Director of Sport Resolutions (UK)that they wish to make their respective nomination(S) in accordance of 6.2 or 6.3 of* Sport Resolutions’ Arbitration Rules

*The Executive Director of Sport Resolutions (UK) shall decide whether to appoint one or three member tribunal as he/she sees appropriate in all the circumstances and in discussion with the parties unless the parties have agreed in writing whether the tribunal should consist of one or three members.*

[*https://www.sportresolutions.co.uk/services/arbitration*](https://www.sportresolutions.co.uk/services/arbitration)

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