



SELECTION APPEALS POLICY

Version	Reviewed By	Date	Next Review Date
1.0	Performance Director	January 2023	

<p>1. Context</p>	<p>1.1. The Selection Appeals Policy applies solely to appeals relating to <i>selection</i> and does not replace the Archery GB (AGB) Disciplinary/Appeals Policy which will remain the overarching process with Performance related disciplinary matters.</p> <p>1.2. Whilst selection decisions are made in good faith, every Athlete should be able to appeal a selection decision if there are grounds to do so (section 4). If you are unsure why a selection decision has been made, your coach or programme manager, may be able to give you some guidance. If you believe you have grounds to appeal the decision, this Selection Appeals Policy sets out what you need to do and what process will be followed.</p> <p>1.3. The Selection Appeals Policy concerns itself solely with the <i>process</i> of selection. It makes no provision for consideration of the <i>actual decisions</i> of the selection panel. In other words, an appeals panel 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 as set out in section 4.1</p>
<p>2. Appeals Procedure – Selection</p>	<p>2.1. The Selection Appeals Policy sets out Archery GB’s process for all selection appeals by an Athlete in relation the following:</p> <ul style="list-style-type: none"> ○ international team selection decisions made against a published selection policy;



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	<ul style="list-style-type: none"> ○ all decisions to nominate an Athlete to the British Olympic Association (BOA) or British Paralympic Association (BPA) for selection to compete at an Olympic, Paralympic or Europeans Games; ○ decisions relating to the selection for an Archery GB team or training squad where there is no separate appeals process 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 programme / training squad.
<p>3. Notice of Appeal</p>	<p>3.1. If an Athlete wishes to appeal a selection decision, they, or their authorised representative must submit a formal written Notice of Appeal to the Performance Panel via stephanie.kelly@archerygb.org.</p> <p>3.2. The Performance Panel is made up by:</p> <ul style="list-style-type: none"> 3.2.1. Performance Advisory Group Independent Member 3.2.2. Performance Director 3.2.3. Performance Management Team representative not otherwise involved in the selection process being appealed <p>3.3. The Notice of Appeal must be emailed within 72 hours of the selection decision being announced or communicated to the Athlete, whichever is earlier.</p> <p>3.4. The Notice of Appeal must set out the grounds of the appeal and include full details of which ground(s) as outlined in section 4, the appeal is based upon and the precise way the ground(s) have been met. The Notice of Appeal should be as comprehensive as possible and be supplemented with any documents or written evidence upon which the Athlete relies, as it will form the basis of the remainder of this procedure.</p> <p>3.5. 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. The process for this will be advised on receipt of the Notice of Appeal.</p>
<p>4. Grounds for Appeal</p>	<p>4.1. An Athlete may appeal against a selection decision on the grounds that:</p> <ul style="list-style-type: none"> 4.1.1. The selection policy was not properly followed and / or implemented 4.1.2. The selection panel failed to take into account relevant considerations, or took into account irrelevant considerations 4.1.3. The selection process was tainted by bias 4.1.4. The selection decision was made in bad faith, dishonestly or perversely 4.1.5. The selection process was otherwise unfair <p>4.2. Any appeals which do not satisfy the grounds of appeal above, will be dismissed automatically by the Performance Panel, who may also seek further independent advice</p>

	<p>from Archery GB's Senior Leadership Team, Performance Specialists, other National Governing Bodies and/or Funding Partners on the matter prior to any dismissal.</p> <p>4.3. The right to appeal a selection decision is provided on these limited grounds only and must not be seen as an opportunity to dispute the specialist opinion of the selection panel. In reaching their decision the selection panel are acting as specialists and Athletes agree that in so doing the selection panel exercises judgment and discretion which are not in themselves capable of challenge. Athletes should therefore consider carefully whether any of the grounds of appeal in clause 4.1 exists before submitting a Notice of Appeal.</p> <p>4.4. There are no appeals allowed against the content of the published Selection Policy or against the actions of the selection panel, provided they follow the selection criteria published.</p> <p>4.5. In a case where it is deemed there are grounds for appeal, the Performance Panel will determine which of the options to hear an appeal will be applied. Option 1 will be through an internal appeal panel (section 5). Option 2 will be to refer the appeal to Sports Resolutions (UK) (section 6)</p>
<p>5. Internal Appeal Panel</p>	<p>5.1. In a case where it is deemed there are grounds for appeal, involving, but not limited to pathway and non-World Class Programme Athletes, Archery GB can instruct an internal panel to hear the appeal.</p> <p>5.2. An internal panel would be comprised of the following:</p> <ul style="list-style-type: none"> 5.2.1.1. Independent Chair 5.2.1.2. Sport representative 5.2.1.3. Independent performance specialist 5.2.1.4. Note taker <p>5.3. In all instances, those comprising the panel will not have been involved in the initial selection panel or decision-making process.</p> <p>5.4. The Athlete may challenge the appointment of any panel member where there are justifiable doubts as to the panel member's impartiality or independence. Such challenge must be made in writing to the Case Management Panel within two working days of the Athlete being notified of the panel's appointment</p> <p>5.5. On receipt of the Notice of Appeal the appointed Chair of the Internal Appeal Panel shall:</p> <ul style="list-style-type: none"> 5.5.1. contact the original selection panel to inform them of the Appeal, provide them with a copy of the Notice of Appeal and request that the original selection panel provide any information used in the selection process which they wish the Appeal Panel to consider within 3 working days of receipt of the request;

	<p>5.6. The Appeal Panel will ordinarily determine the appeal based on the written submissions of the Athlete and the original selection panel without a hearing or the calling of witnesses or the giving of oral evidence. However the Appeal Panel will have the power to set its own processes and give directions including requesting further information, setting up a video or telephone conference, determining if a hearing is required and if it is, establishing the date, time and place, and format to be followed in such a hearing.</p> <p>5.7. The decision of the appeal panel shall be final and binding on the parties, and there shall be no further right of appeal.</p> <p>5.8. The panel shall be entitled to:</p> <p>5.8.1. Reject the Appeal and confirm the selection decision; or</p> <p>5.8.2. 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.</p>
<p>6. Sports Resolutions (UK) Appeal Panel</p>	<p>6.1. In a case where it is deemed there are grounds for appeal, involving, but not limited to World Class Programme Athletes, Archery GB can 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.</p> <p>6.2. Sport Resolutions (UK) shall notify Archery GB and the Athlete in writing of the identity of the Arbitrator within two working days of receiving the Notice of Appeal.</p> <p>6.3. 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.</p> <p>6.4. Unless the Arbitrator elects to withdraw, Sport Resolutions (UK) shall decide on the validity of the challenge within two working days.</p> <p>6.5. The Appeal shall be heard by way of written submissions unless the Athlete 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.</p> <p>6.6. At any oral hearing approved by the Arbitrator, Athletes will be allowed to be accompanied at any hearing. If the Athlete is under 18 years of age then they must also be accompanied by a parent/legal guardian.</p> <p>6.7. The decision of the Arbitrator shall be final and binding on the parties, and there shall be no further right of appeal.</p> <p>6.8. The Arbitrator shall be entitled to:</p>

6.8.1. Confirm the nomination decision under appeal and reject the Appeal; or

6.8.2. 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.

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

6.10. 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>