



NEW SOUTH WALES ROWING ASSOCIATION

APPEALS POLICY

APPEAL PROCESS

Any athlete or coach who is aggrieved by the selection process may make an appeal under the following provisions:

1. GENERAL PROVISIONS

An appeal must:

- (i) Be in writing;
- (ii) Be lodged with the Chief Executive Officer no later than forty-eight (48) hours after being notified of the decision against which the appeal is brought;
- (iii) Be accompanied by the appeal fee of One Hundred Dollars (\$100.00) which fee shall be refunded if the appeal is upheld;
- (iv) State the name and address of the appellant and the name of the affiliated Club of which the appellant is a member;
- (v) Identify the maker of the decision, grievance or cause for complaint from which the appeal is brought;
- (vi) Set out details of why the grievance or complaint was not able to be resolved;
- (vii) Set out the substance of the decision from which the appeal is brought;
- (viii) Set out the grounds on which the appeal is brought;
- (ix) Be accompanied by a copy of any documentary evidence relied on in support of the appeal; and
- (xi) State whether the appellant wishes to rely on the oral evidence of any person (including the appellant) and set out the name and address of any person other than the appellant on whose evidence the appellant wishes to rely.

2. APPEALS AGAINST (NON) SELECTION

In the case of an appeal against any decision of the Selectors of members of a Representative Team, the grounds of appeal must:

- (i) point to the particular area of grievance and give the basis for the view;
- (ii) be specific to results achieved in specified selection events and be relevant to the selectors interpretation of the Selection Policy; and
- (iii) Such appeal may be brought on the basis that the Selection Policy has not been adhered to in the selection of the team.

3. APPEAL TRIBUNAL

- (i) An appeal Tribunal shall be convened by the Board on receipt of a Notice of Appeal and will meet at the most convenient place and time as determined by the Board.
- (ii) An Appeal Tribunal shall consist of a Chairman and two other individuals, all of whom in the view of the Board are unbiased in the dispute.
- (iii) Hearings are to be conducted with as little formality and technicality, and with as much expedition, as proper consideration of the matter before the Appeals Tribunal permits.
- (iv) The Chief Executive Officer shall prepare a notice stating the place, date and time of the Appeal Tribunal and its terms of reference as set by the Board, and shall forward a copy of the notice and the terms of reference to:
 - (a) The Chairman and members of the Appeal Tribunal;
 - (b) The person whose appeal the Appeals Tribunal shall inquire;
 - (c) Any person whose assistance the Board or the Chairman of the Appeals Tribunal may require;
 - (d) Any person whose character or reputation may be affected.
- (v) The Appeal Tribunal may do any one or more of the following in relation to the Appeal:
 - (a) Consult with the appellant and other interested parties and negotiate a mutually satisfactory outcome to the appeal;

(b) Reject the appeal if it fails to comply with any provision of the GENERAL PROVISIONS;

(c) Give the appellant such opportunity as it thinks fit to amend or supplement the appeal;

(d) With the consent of the interested parties refer the matter to a neutral mediator to assist in the settlement of the matter, or hear such oral evidence as it thinks fit, including hearing such evidence by telephone conference;

(e) Adjourn the hearing of the appeal or matter being investigated from time to time;

(f) Delegate one or more members of the Appeals Tribunal to inquire into the appeal or matter being investigated and report;

(g) Receive and act upon in whole or in part a report from a member or members of the Appeal Tribunal in relation to the appeal or the matter being investigated;

(h) Examine and cross examine witnesses and may appoint a legal representative or other person to assist it.

(vi) The Chairman of the Appeal Tribunal shall ensure that a person into whose appeal the Tribunal shall inquire shall have:

(a) Every reasonable opportunity of being fully heard, and of being assisted if necessary by not more than one representative;

(b) Every opportunity of calling witnesses and producing documents; and

(c) Every opportunity of putting questions to any witnesses called.

(vii) Within forty-eight (48) hours of the close of the hearing the Chairman shall forward to the Board the report of the Appeal Tribunal, which shall consist of its findings, signed by the Chairman of the Appeals Tribunal and one other member. The Appeal Tribunal may:

(a) Uphold an appeal in whole or in part;

(b) Dismiss an appeal in whole or in part;

(c) Set aside a decision from which an appeal is brought in whole or in part;

(d) Substitute a decision from which an appeal is brought or any part of a decision;

- (e) Amend the decision from which an appeal is brought;
- (f) Refer the decision from which an appeal is brought back to the Board, Commission, Selectors or Organizing Committee who made it, with or without a recommendation of the Board;
- (g) Take such other action as it thinks fit.
- (h) In each case shall give written reasons for its decision.
- (i) The discussions of all Appeal Tribunals shall remain confidential.
- (j) Public statements concerning allegations must only be made with the authority of the Board.

4. APPEAL AGAINST THE DECISION OF THE APPEALS TRIBUNAL

An appeal against the decision of the Appeal Tribunal shall be referred to the Court of Arbitration for Sports (CAS) which Courts' decision shall be final and binding on the parties.