

## **Cycling Ireland Selection Appeals Policy**

### **1. INTRODUCTION**

The purpose of the selection appeals policy is to enable dispute resolution regarding athlete selection decisions to be dealt with fairly, expeditiously and affordably within Cycling Ireland, without recourse to external legal procedures.

- 1.1 This document sets out Cycling Ireland selection appeals process ('the process') applying to National Team selection decisions for the major championships events published on the Cycling Ireland website in conjunction with the prevailing selection policy. This appeals policy will remain in place until replaced or amended by Cycling Ireland.
- 1.2 This policy document does not apply to events run under the auspices of the OFI including, but not limited to EYOF, European Games, Olympic Games and Paralympic Games, and also CGNI for Commonwealth Games and Commonwealth Youth Games. For these events a different policy from OFI/PI or CGNI will apply.
- 1.3 Selections will take place in accordance with the latest published selection policy on the Cycling Ireland website, and under the conditions outlined in the event specific guidance and/or criteria published in relation to the event in question. Any athlete wishing to lodge an appeal under this procedure must be fully familiar with the detailed provisions of the selection policy for the relevant competition.
- 1.4 This procedure is intended to be accelerated to enable any challenges to be resolved as quickly and as reasonably as possible. Due to the nature of selection for major events, decisions often need to be taken close to the time of the event to which selection relates. Accordingly, the aim of this procedure is to receive an appeal and expedite a decision as soon as possible after an appeal has been submitted.
- 1.5 This policy is the only applicable appeals policy and forms the entire agreement between each athlete and Cycling Ireland as to how selection decisions for major championships are to be challenged.
- 1.6 The parties agree to submit any dispute concerning any matter connected with, or arising out of selection decisions, to binding arbitration in accordance with the provisions of this policy.
- 1.7 By submitting an appeal, the parties agree that they will not commence, continue or maintain any legal challenge to any matter falling under the jurisdiction of this procedure, or any decision made under this procedure, before any court of law or other dispute resolution body (including, but not limited to the Court of Arbitration of Sport) other than that which is contained herein.

### **2. GROUNDS FOR APPEAL.**

- 2.1 The grounds upon which a selection decision may be appealed are limited to the following:
  - 2.1.1 There has been an alleged failure of the selection panel to follow or apply the relevant selection procedure and/or criteria set out in the applicable selection policy (e.g. there has been a procedural defect), and/or
  - 2.1.2 The selection panel decisions for the event have been reached on the basis of an error of fact.

2.2 There are no appeals allowed against:

- 2.2.1 The content of the published CI Selection Policy.
- 2.2.2 Any communications made by CI staff (including all coaches and support personnel) and/or Athletes other than meetings outlined in the Selection Policy.
- 2.2.3 The genuine consideration of the CI Selection Panel, provided they follow the applicable procedure contained in the Selection Policy.

**The grounds for appeal are limited and are not an opportunity to dispute the opinion of the selection panel where they have followed the proper procedure. It is not the role of the Appeals Panel to review the merits of the selection panel decision if the selection policy and event specific guidance or prevailing criteria has been adhered to.**

2.3 The Appeal Procedure shall only apply to selection matters and not to any grievances or grounds in relation to Cycling Ireland in general.

### **3. HOW TO APPEAL.**

- 3.1 The Appeal Procedure is commenced when an athlete affected by a selection decision makes a formal written appeal by email (the 'notice of appeal') to the Chair of the Cycling Ireland appeals panel and the CEO using the 'Notice of Appeal' form downloaded from the website.
- 3.2 The cost of submitting an appeal is a non-refundable €200. This is payable to **Irish Cycling Federation IBAN: IE20 BOFI 9000 9295 2434 93 BIC: BOFIE2D**
- 3.3 Digital proof of payment must be attached to the notice of appeal form when being submitted.
- 3.4 The fully completed notice of appeal form and payment must be submitted within forty-eight (48) hours of the selections being announced or communicated (sent by email) to an athlete, whichever is first.
- 3.5 If an athlete (or Parent if athlete under 18yrs old) fails to submit the notice of appeal and payment within the time limit set out in this appeals procedure they will automatically lose their right of appeal under this procedure, unless in the opinion of the Chair (acting reasonably) that there was an exceptional circumstance or other good reason for the submission to be made outside the time limit.
- 3.6 The Notice of Appeal form will be submitted to the CEO of Cycling Ireland via email to the following address [ceo@cyclingireland.ie](mailto:ceo@cyclingireland.ie) and CC'ing [HPAdmin@cyclingireland.ie](mailto:HPAdmin@cyclingireland.ie) also.
- 3.7 The Notice of Appeal Form will set out the grounds for appeal which will include the full details of the basis for appeal including the precise manner in which the athlete alleges that the selection decisions have not been applied or followed (as per section 2 – Grounds for Appeal). The Notice of Appeal should be as full as possible (including any supporting documentation) as it will form the basis for the remainder of this procedure.
- 3.8 In the event that no evidence is offered for the basis of appeal, the appeal will be adjudged to be incomplete and will not proceed.

### **4. SCREENING OF APPEAL FOR ELIGIBILITY.**

- 4.1 In the first instance on receiving the notice and grounds for appeal, the CEO or appointed deputy will appoint an Appeals Panel including Chair, to determine if the appellant meets

the eligibility criteria in question for the event. If they do, the appeal will be screened on its merits as outlined below in 4.2. If they do not meet eligibility criteria, they will have no grounds for appeal or further recourse to pursue appeal or arbitration. The Appellant will be informed via e-mail by the Appeals Chair.

4.2 In the second instance, if the Appeals Panel determine there are sufficient grounds for an appeal, an Appeal Panel meeting will proceed.

## **5. APPEALS PANEL.**

5.1 The Appeals Panel of Cycling Ireland will comprise a minimum of three (3) members. The appeals panel shall be comprised one (1) Chair of the appeals panel and two (2) members each appointed by the CEO of Cycling Ireland.

## **6. APPEAL MEETING PROCEDURE.**

6.1 If there are sufficient grounds for an appeal, the Appeals Panel will proceed by way of a review of the documents, including the written Notice of Appeal submission of the Appellant.

6.2 If an Appeals Meeting is called, the Chair of the Appeals Panel will contact the Selection Panel Chair or appointed person, to inform them of the appeal; provide them with a copy of the Notice of Appeal and request that the Selection Panel provides any response which they wish to make on behalf of the selection panel.

6.3 Appeal meeting. The manner in which the appeal panel will meet is the decision of the Chair of the appeals panel.

6.4 The appeal panel meeting will comprise three (3) individuals (one being the Chair of the appeals panel) who will have no significant relationship with the affected parties, and will have had no involvement with the decision being appealed, and will be free from any other actual or perceived bias or conflict.

6.5 If the Chair of the appeals panel is unable to attend a meeting or declares a conflict of interest with a particular appeal, the Chair of the appeals panel will designate a member of the appeals panel to chair the meeting or portion thereof.

## **7. APPEALS DECISION.**

The appeals panel will seek to reach its conclusion as urgently as possible after the receipt of the Notice of Appeal, and will inform the Appellant by email (or such method of communication as the appeal panel shall decide). The appeals panel will give reasons for its decision.

7.1 The appeals panel may decide as follows: \* That the selection panel's decision for selection be set aside as the selection panel failed to follow or apply the relevant Selection Procedure and/or criteria set out in the applicable selection policy, or was based on an error of fact and the matter of the athlete's selection be remitted for fresh consideration by the selection panel to reconsider the matter. \* That the selection panel's selection decision be upheld and the athlete's appeal be rejected.

7.2 The appeals panel may also make recommendations for the future revision/execution of the selection and appeals process, which should be considered by Cycling Ireland and the selection panel.

## **8. CONFIDENTIALITY OF PROCEEDINGS AND COMMUNICATIONS OF THE DECISION.**

8.1 Cycling Ireland and the Appellant are under an obligation of confidentiality in respect of any appeal under this policy in its entirety. Save as permitted under this selection appeals policy in 8.2 below, none of the parties will make any public statement or disclosure of the contents of the notice of appeal or any matter referred to by any of the parties during the course of these proceedings or thereafter.

8.2 Cycling Ireland will be entitled to communicate the decision of the Appeals panel where it upholds the appeal (or any element of it) to inform all properly interested and affected parties of the status of the provisional selection outcomes and the resulting position as to selection going forward.

## **9. REVISION**

Cycling Ireland will undertake to review and update this policy as required, and will endeavour to ensure that the most up to date version is published and accessible via its website.

Ends 31.07.23