



British Surfing – Appeals Policy

Purpose:

The purpose of this document is to outline British Surfing's Appeals Policy

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1. British Surfings Appeals Process

1.1. Appeals process

- 1.1.1. This document sets out British Surfing's Appeals Process for all appeals by an athlete in respect of:
 - 1.1.1.1. International team selection decisions;
 - 1.1.1.2. Decisions relating to the selection for an British Surfing team or training squad where there is no separate appeals process or review policy relating to the team or training squad in question;
 - 1.1.1.3. Any decision by British Surfing to deselect or remove an athlete from a team or training squad.

1.2. Grounds of Appeal

- 1.2.1. An athlete may appeal against a selection decision falling within one of the categories above only on the grounds that:
 - 1.2.1.1. There has been a failure to apply the applicable selection criteria; and/or that
 - 1.2.1.2. There has been a failure to adhere to the procedure set out in the applicable Selection Policy.
- 1.2.2. The athlete does not have a right of appeal against any judgment or discretion exercised in the course of making a selection decision, or against the content of the applicable selection criteria.

1.3. How to Appeal

- 1.3.1. This Appeals Process is commenced when an athlete affected by a selection decision, or the athlete's authorised representative, submits a formal written appeal ('the Notice of Appeal') to the British Surfing Chairman, contactable at the following email address: info@britishsurfingteam.com
- 1.3.2. The Notice of Appeal must be submitted within 72 hours of the selection decision being announced or communicated to the athlete, whichever is later.
- 1.3.3. If the athlete fails to submit the Notice of Appeal within the time limit set out in this Appeals Process they will have lost their right of appeal, save in wholly exceptional circumstances which will be judged by the Appeal Panel in their absolute discretion.
- 1.3.4. The Notice of Appeal must set out full details of the athlete's ground(s) of appeal and include:
 - 1.3.4.1. Details of the decision which the athlete is appealing;
 - 1.3.4.2. Details of the ground(s) of appeal upon which the athlete relies, including the precise manner in which the athlete alleges that the selection criteria have not been applied or in which the procedure set out in the applicable Selection Policy has not been followed;
 - 1.3.4.3. Any documents or written evidence upon which the athlete relies in support of their appeal. These documents must be relevant specifically to the athlete's grounds of appeal.
- 1.3.5. The Notice of Appeal must be accompanied by a deposit of £500, payable to British Surfing, as a contribution towards the administrative costs of processing the Appeal.
- 1.3.6. Athletes should be aware that appeals are normally conducted by reference to the written Notice of Appeal and supporting documents and that the athlete (or their authorised representative) will not normally be allowed to attend the meeting of the Appeal Panel in person. The athlete should therefore ensure that the Notice of Appeal is as comprehensive as possible.

1.4. The Appeal Panel

- 1.4.1. The British Surfing Chairman will appoint the Appeal Panel. The Appeal Panel will be composed of 3 members, namely:
 - 1.4.1.1. Two British Surfing Board Directors (whom were not part of the selection panel) from which one shall be nominated as chair; and

- 1.4.1.2. An external person with High Performance and Elite Sport knowledge/experience.
 - 1.4.2. The British Surfing Chairman shall make best endeavours to ensure that when selecting the Appeal Panel, those appointed do not have an actual, or perceived, conflict of interest in respect of the appeal.
 - 1.4.3. In the event that any member of the Appeal Panel has any involvement with, or is related to an appellant or any athlete who might be affected by the outcome of the Appeal, or had any involvement with the selection decision under appeal, or is in any way placed in a position of conflicting interests in respect of the appeal, he or she shall be disqualified from sitting on the Appeal Panel and will be replaced by an alternate who shall be nominated by the British Surfing Chairman.
 - 1.4.4. Upon receipt of the Notice of Appeal, the British Surfing Chairman will as soon as reasonably practicable circulate it to all members of the Appeal Panel.
 - 1.4.5. The Chair of the Appeal Panel will convene a meeting to take place as soon as practical, and in any event within 5 working days of receipt of the Notice of Appeal, at which the Appeal Panel will consider the Notice of Appeal.
 - 1.4.6. The Appeal Panel will investigate the grounds set out in the Notice of Appeal and establish to their reasonable satisfaction whether or not there has been a failure to apply the applicable selection criteria and/or that there has been a failure to adhere to the procedure set out in the applicable Selection Policy.
 - 1.4.7. The Appeal Panel, when considering the Notice of Appeal, shall be entitled to take advice (including legal advice) as they see fit.
 - 1.4.8. The Appeal Panel shall be entitled to:
 - 1.4.8.1. Confirm the selection decision under appeal and reject the Appeal; or
 - 1.4.8.2. Quash the selection 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 72 hours; or
 - 1.4.8.3. Rescind the selection decision under appeal and confirm the selection of the athlete.
 - 1.4.9. The decision of the Appeal Panel shall be reached by majority vote and all members shall have one vote each.
 - 1.4.10. The British Surfing Chairman will in writing inform all parties about the Appeal Panel's decision to either uphold or reject the Appeal under the guidelines of 1.4.8.
 - 1.4.11. The decision of the Appeal Panel shall be final.
 - 1.4.12. If the appeal is upheld the deposit will be refunded in full and detailed in the Appeal Panel's decision letter from the British Surfing Chairman.
- 1.5. Referral to the Sports Dispute Resolution Panel**
- 1.5.1. In the event that the athlete does not agree with the decision of the Appeal Panel they shall have the right to take the matter to the Sports Resolution UK.
 - 1.5.2. The athlete and British Surfing both agree that the decision of the Sports Dispute Resolution Panel shall be final and binding on both the parties.