

## **Cycling Ireland Olympic and Paralympic Games Nomination Appeals Policy**

Cycling Ireland are responsible for nominating athletes to represent Ireland at Olympic and Paralympic Games to the Olympic Federation of Ireland and Paralympics Ireland respectively.

The purpose of the nomination appeals procedure is to enable dispute resolution regarding nomination decisions to be dealt with fairly, expeditiously, and affordably in the first instance within Cycling Ireland, without recourse to external legal procedures.

### **1. Nomination Appeals Policy Procedure.**

1.1 This document sets out Cycling Ireland's nomination appeals procedure ('the procedure') applying to Olympic and Paralympic athlete nominations for the Irish team at the Olympic and Paralympic Games. This procedure will remain in place until replaced or amended by Cycling Ireland.

1.2 Nominations will take place in accordance with the nomination policies published on the Cycling Ireland website and OFI and PI websites. Any athlete wishing to lodge an appeal under this procedure must be fully familiar with the detailed provisions of the nomination policy for the relevant competition, as well as IOC qualification and eligibility documents.

1.3 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 nominating teams and individuals for major events, decisions often need to be taken close to the time of the event to which it relates. Accordingly, the aim of this procedure is to return an appeals decision as urgently as possible after an appeal has been submitted.

1.4 This procedure is the only applicable appeals procedure and forms the entire agreement between each athlete and Cycling Ireland as to how nomination decisions may be challenged. The parties agree to submit any dispute concerning any matter connected with, or arising out of nomination issues, to binding arbitration in accordance with the provisions of this procedure.

### **2. Appeals Panel.**

2.1 The Appeals Panel of Cycling Ireland will comprise five (5) members.

2.2 The appeals panel shall be comprised one (1) Chair of the appeals panel and four (4) members each approved by the Board of Cycling Ireland.

### **3. Conflict of Interest.**

No fewer than three (3) members of the appeals panel must declare that they have no conflict of interest in a particular appeal for the appeal to be heard. In exceptional circumstances if there are less than three (3) members available for any one appeal, the Board of Cycling Ireland will appoint an additional member(s) to the appeals panel.

### **4. Grounds for Appeal.**

4.1 The grounds upon which a nomination decision may be appealed are limited to the following;

\* There has been an alleged failure of the nomination panel to follow or apply the relevant nomination procedure and/or criteria set out in the applicable nomination policy (e.g. there has been a procedural defect), and/or –

\* The nomination panel and the decision for nomination for the event has been reached on the basis of an error of fact.

4.2 The Appeal Procedure shall only apply to the nomination decisions and not to any grievances or grounds in relation to Cycling Ireland in general, or an appeal against the published content of the event nomination policy.

4.3 The grounds for appeal are limited and are not an opportunity to dispute the opinion of the nomination panel where they have followed the proper procedure. It is not the role of the appeals panel to review the merits of the nomination panel decision.

## **5. How to Appeal.**

5.1 The Appeal Procedure is commenced when an athlete affected by a nomination decision makes a formal written appeal by email (the `notice of appeal`) to the CEO. This must be done within twenty-four (24) hours of the nominations being announced or communicated (sent by email) to an athlete, whichever is first. If an athlete fails to submit the notice of appeal within the time limit set out in this appeals procedure he/she 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.

5.1.1 The Notice of Appeal will be submitted to the CEO of Cycling Ireland ([ceo@cyclingireland.ie](mailto:ceo@cyclingireland.ie))

5.2 The Notice of Appeal Form (below) 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 nomination decisions have not been applied or followed (as per section 4 – 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.

## **6. Screening of an Appeal.**

6.1 On receiving the Notice and grounds of an appeal, the CEO will appoint a Chair of the Appeals Panel and the Chair will determine whether there are appropriate grounds for the appeal to proceed, as set out in section 4.

6.2 The Chair of the Appeals Panel will determine in the first instance, if the appeal is denied on the basis of insufficient grounds, and the athlete will be notified of this decision by email, giving reasons. In the second instance, if the Chair decides there are sufficient grounds for an appeal, an Appeal meeting will be called.

## **7. Appeal Meeting Procedure.**

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.

7.1 If an Appeals Meeting is called, the Chair of the Appeals Panel will contact the Nomination Panel Chairperson to inform them of the appeal; provide them with a copy of the Notice of Appeal and request that the Nomination Panel provides any response which they wish to make.

7.2 Appeal Meeting. The manner in which the appeal panel will meet is the decision of the Chair of the Appeals Panel.

7.3 The Appeals Panel meeting will comprise three (3) individuals (one being the Chair of the appeals panel) drawn from a pool of five (5) 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.

7.4 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.

## **8. Appeals Decision.**

8.1 The appeal 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 appeal panel will give reasons for its decision.

8.2 The appeals panel may decide as follows:

\* That the nomination panel's decision for nomination be set aside as the panel failed to follow or apply the relevant Nomination Procedure and/or criteria set out in the applicable nomination policy, or was based on an error of fact and the matter of the athlete's nomination be remitted for fresh consideration by the nomination panel to reconsider the matter.

\* That the nomination panel's nomination decision be upheld and the athlete's appeal be rejected.

8.3 The appeals panel may also make recommendations for the future revision and/or smoother execution of the nomination and appeals process, which should be considered by Cycling Ireland and the Nomination Panel.

8.4 If the Appellant is not satisfied with the outcome of their internal appeal, they may take their appeal to the Sports Disputes Solutions Ireland (SDSI) Olympic tribunal. Their decision is final and binding. The appellant has 48hrs after confirmation of the nomination appeal outcome to inform Cycling Ireland chair of the nomination appeals panel of their intention to take their appeal to the SDSI.

## **9. Confidentiality of Proceedings and Communications of the Decision.**

9.1 Cycling Ireland and the Appellant are under an obligation of confidentiality in respect of any appeal under this procedure. Save as permitted under this nomination appeals procedure, none of the parties will make any public statement of 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.

9.2 Cycling Ireland will be entitled to publish the decision of the appeal panel where it upholds the appeal (or any element of it) in such manner and to such extent as is necessary to inform all properly interested and affected parties of the status of the nomination decision previously published and the resulting position as to nomination.



Cycling Ireland Nomination Appeal Form

Name	
Cycling Ireland Licence No.	
Contact details	
Discipline that appeal concerns (e.g. MTB XCO, Track etc.)	

Cycling Ireland Grounds for appeal:

The grounds upon which a nomination decision may be appealed are limited to the following;

- \* There has been an alleged failure of the nomination panel to follow or apply the relevant nomination procedure and/or criteria set out in the applicable nomination policy.
- \* The nomination panel and the decision for nomination for the event has been reached on the basis of an error of fact.

Full Details of athlete`s Grounds for Appeal

Supporting documentation attached. Y/N

Signed

Date