



# RYA Racing Department Selection Appeals Policy

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<b>Programme:</b>	All RYA Racing Programmes that involve Selection
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# **RYA Racing Department Selection Appeals Policy**

## **1. Purpose**

- 1.1. This policy document sets out the RYA Racing Department Appeals Policy for:
  - 1.1.1. Sailor event selection or deselection following:
    - The selection process used for nomination of the UK Olympic or Paralympic Games Sailing Team to the BOA or BPA.
    - The selection process for the World Sailing Youth Sailing World Championships.
    - Any other event that specifically refers to the RYA Racing Department Selection Appeals Policy in the notice of race or notice of selection.
  - 1.1.2. Selection of a sailor into, or deselection from one of the RYA's Racing Squads.
- 1.2. This policy shall not apply to exclusion from squads or events or termination of athlete agreements or termination of participation agreements where such exclusion or termination is for disciplinary reasons. (Such exclusions and terminations shall be governed by the RYA Racing Department Grievance and Disciplinary Procedure).

## **2. Process**

- 2.1. Notice of intention to appeal should be submitted and addressed to the Racing Operations Manager via [Racing@rya.org.uk](mailto:Racing@rya.org.uk) as soon as reasonably practical and in any event within 7 days of the selection or deselection being announced. The appeal shall be submitted in full within 14 days of the selection or deselection being announced.
- 2.2. The appeal shall take the form of a written statement from the prospective appellant detailing all relevant reasons.
- 2.3. The selectors will be invited to comment, in writing, on the prospective appellant's written statement.
- 2.4. The validity of the appeal will be determined as soon as reasonably practicable, as follows:
  - 2.4.1. Initial scrutiny of an appeal shall be conducted by the Chair of the Racing Committee. In cases where the Chair is conflicted the Chair shall nominate an appropriate deputy to scrutinise the appeal. The Chair or their nominated deputy (shall be known for this purpose as the "Appeal Scrutineer") shall be entitled, if they so request, to be assisted by a lawyer. The purpose of the scrutiny of an appeal shall be to decide whether the written statement from the prospective appellant identifies valid grounds for appeal.
  - 2.4.2. The grounds for appeal are limited to allegations of:

# **RYA Racing Department Selection Appeals Policy**

- Failure to follow the applicable selection policy
- Failure to take into account relevant considerations or taking into account irrelevant considerations
- Bias
- Decisions made in bad faith, dishonestly and/or in a perverse manner

2.4.3. The criteria for appeal may not include:

- any alleged error of judgement of the selectors
- where relevant, any alleged error of judgement of the RYA Sports Science & Medicine Team with regard to "fitness to race" assessments
- errors in the published selection criteria

2.4.4. Should the Appeal Scrutineer determine that the written statement from the prospective appellant identifies no potential grounds for appeal, the Appeal Scrutineer shall dismiss the appeal and the selection will stand.

2.4.5. Should the Appeal Scrutineer determine that the written statement from the prospective appellant identifies potential grounds for appeal, the Appeal Scrutineer shall refer the matter to the appropriate appeal panel as set out below.

## **3. Event Selection**

3.1. Should the Appeal Scrutineer determine that an event selection appeal has valid grounds for appeal, the appeal shall be considered as soon as reasonably practical as follows:

### **3.1.1. Olympic or Paralympic Games Team Appeals:**

- In the case of appeals in connection with selection for the Olympic or Paralympic Games:

3.1.1..1. The appeal panel shall consist of a sole arbitrator appointed in accordance with the Sports Resolution Arbitration Rules of Sports Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd, company number 3351039).

3.1.1..2. The appeal shall be governed by the Arbitration Act 1996 and Sport Resolutions (UK)'s Sports Resolution Arbitration Rules, which rules are deemed to be incorporated by reference into this clause.

### **3.1.2. Other Event Appeals**

- In the case of event appeals other than those falling under paragraph 3.1.1 above:

# **RYA Racing Department Selection Appeals Policy**

3.1.2..1. The appeal panel shall be a panel of volunteers appointed by the Chair of the RYA Racing Committee and assisted, if they so request, by a lawyer.

3.1.2..2. There shall be 1 hearing at which the written appeal document originally submitted, and any written response to it by the Selectors, shall be considered in conjunction with evidence, written or oral, from those persons the Chair of the appeal panel deems appropriate and necessary in order to reach a decision. All written evidence shall be circulated to all panel members and to the appellant at least 2 days before the hearing.

## **4. Squad Selection/Deselection**

4.1. Should the Appeal Scrutineer determine that a squad selection/deselection appeal has valid grounds for appeal, the appeal shall be considered as follows:

4.1.1. The appeal panel shall be a panel of volunteers appointed by the Chair of the RYA Racing Committee and assisted, if they so request, by a lawyer.

4.1.2. The appeal will be dealt with by written submissions only, without the opportunity for personal representation

## **5. Outcome**

5.1. Should the appeal panel dismiss the appeal, the selection decision shall stand.

5.2. Should the appeal panel uphold the appeal and the relevant event has not yet taken place, the appeal panel shall set the selection decision aside and remit it to the selection committee for a full reconsideration of its decision. The Chair of the RYA Racing Committee shall appoint two additional selectors to the selection committee solely for this review.

5.3. Until the outcome of the appeal is decided, the RYA will refrain from publishing the selection decision further (unless the relevant event will take place before the appeal can be heard) and will continue to support the preparation of the selected sailor(s), but will not support preparation of sailors who have either not been selected or have been deselected (as the case may be).

5.4. Decisions by an appeal panel shall be final.

Nick Scott  
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