

# British Weight Lifting Para Powerlifting Appeals Policy and Procedures

## International Competition and World Class Program Selection

The following procedures have been adopted by British Weight Lifting (BWL) in consideration of any appeal made by or on behalf of any athlete wishing to appeal by virtue of his or her non-selection.

Any athlete seeking a review of a selection decision should be aware of the time limits contained in the policy which are designed with the intention of resolving issues in a timely, fair and transparent manner. All athletes should read this policy carefully and satisfy themselves that they are eligible to appeal in the first instance. Any appeals which do not satisfy the grounds of appeals below will be dismissed automatically.

The parties agree not to commence, continue, maintain any legal challenge to any matter falling under the jurisdiction of the appeals panel before any court of law or dispute resolution body without first following this procedure.

The Paralympic Games selection policy may have its own bespoke appeals policy owing the unusually tight timescales for turning selection decisions around within the IPC's timeline of critical events relating to nominations and accepting of primary slots immediately after qualification ends.

### 1. Grounds for Appeal

1.1. An athlete may appeal against a selection decision only on the grounds that:

- a) There has been a failure by BWL to apply the applicable selection criteria; and/or
- b) There has been a failure to adhere to the procedure set out in the applicable selection policy
- c) A decision was made based on an error of fact
- d) A decision was biased

An athlete does not have a right of appeal against any judgement or discretion exercised in the course of making nomination decisions, or against the content of the applicable selection criteria.

## 2. How to appeal

An athlete wishing to submit an appeal can access support from the BEAA [emma.speer@britishathletes.org](mailto:emma.speer@britishathletes.org)

Should the athlete wish to appeal against the decision then the following procedures apply:

- 2.1. This Appeals Process is commenced when an athlete affected by a decision, or the athlete's authorised representative, submits a formal written appeal ('the Notice of Appeal') to the BWL CEO by email to [matthew.curtain@britishweightlifting.org](mailto:matthew.curtain@britishweightlifting.org)
  - 2.2. The Notice of Appeal must be **submitted within a specific number of days** of the selection or deselection decision being electronically communicated to the athlete. The period for submitting a Notice of Appeal begins at 00:00:01 on the day following the communication of selection decision and ends at 23:59:59 on the final day of the appeal submission window.
  - 2.3. If an athlete is appealing non-selection for a competition/event the following timescales will apply
    - The notice of appeal window for non-selection is outlined in the competition specific selection policy in the section titled 'Appeals'.
  - 2.4. If an athlete is appealing de-selection as opposed to non-selection for a competition/event in the first instance the following timescales for submitting a Notice of Appeal Apply
    - Notice of Appeal to be submitted within 5 days of the de-selection decision being electronically communicated or the deadline identified in the selection policy should this be later/allow longer. Regarding a 5-day submission period, this period starts at 00:00:01 on the day following the communication of selection decisions and ends at the end of the fifth day at 23:59:59. The first day after selection is always classed as day 1.
  - 2.5. If an athlete is appealing non-selection for the World Class Program, the following timescales will apply
    - Notice of Appeal to be submitted within 3 days of the selection decision being electronically communicated or the deadline identified in the selection policy should this be later/allow longer. This period starts at 00:00:01 on the day following the communication of selection decisions and ends at the end on the third day at 23:59:59. The first day after selection always is classed as day 1
  - 2.6. If the athlete fails to submit the Notice of Appeal within the time limit set out in event/WCP specific selection policy or this appeals process s/he will have lost their right of appeal, save in wholly exceptional circumstances which will be judged by the Appeal Panel in their absolute discretion
  - 2.7. The Notice of Appeal must set out full details of the athlete's ground(s) of appeal and include:
    - a) details of the decision which the athlete is appealing.
    - b) 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, or evidencing that a decision was biased or made based on an error of fact; and
    - c) any documents or written evidence upon which the athlete relies in support of his or her appeal. These documents must be relevant specifically to the athlete's grounds of appeal
- 2.5 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 his or her 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

### **3. The Appeal Panel**

3.1. The Appeal Panel will be composed off a minimum of three members, all of whom have voting rights namely:

- a) The Independent Chairman of BWL
- b) Independent Director of BWL (Performance experience)
- c) CEO of British Weight Lifting

The appeal panel may also appoint an Independent legal advisor or BWL INED (legal experience)

3.2. The Appeal Panel will be chaired by the person in 3.1 (a)

3.3. All conflicts of interest will be declared and in the event of a conflict, the chair of the appeals panel will declare that individual unable to vote, but they may contribute to discussions. Where there is a tied vote the Chair of the appeal panel has the authority to make the final decision.

### **4. Conduct of the Appeal**

4.1. Upon receipt of the Notice of Appeal, the BWL CEO will as soon as reasonably practicably circulate it to all members of the Appeal Panel as well as notifying all athletes who are affected by the appeal

4.2. The Chairman of the Appeal Panel will convene a meeting to take place as soon as practical, and in any event aligned with the specific policy in question, relating to the Notice of Appeal window closing and outlined within, at which the Appeal Panel will consider the Notice of Appeal.

4.3. At the appeal hearing the Appeals Panel will consider the original Decision and the Notice of Appeal. The Appeals Panel may decide in advance to ask the athlete or members of the BWL Performance Team to attend and question either party or ask them to supply additional evidence. Anyone asked to be present at the hearing may be accompanied by an adviser of their choice. The athlete will be given the opportunity to provide oral evidence as well as written if they wish to do so.

4.4. The Appeal Panel, when considering the Notice of Appeal, shall be entitled to take advice (including legal advice) as they see fit

4.5. The Appeals Panel may decide as follows:

- a) That the selection decision be set aside as it was based on error of fact, biased or procedurally flawed, and the matter of the athlete's selection remitted for fresh consideration to Selection Panel; or
- b) That the selection decision be upheld, and the athlete's appeal rejected

4.6 The Appeals Panel shall within at least 3 working days of the appeals meeting, or as is outlined in the event specific selection policy should this be sooner, inform the athlete and the Chair of BWL Selection Panel of its decision together with the written reasons for its decision through the BWL CEO.

4.7 The decision of the Appeal Panel shall be reached by majority vote and all members shall have one vote each

4.8 Should the Appeal Panel decision be aligned with point 4.5 (a) the Selection Panel will reconvene within 3 days of the Appeals Panel communicating its decision in writing to the appellant. The decision made by this second gathering of the Selection Panel shall be communicated verbally and inwriting on the same day.

4.9 The athlete and British Weight Lifting both agree that the decision of the Appeal Panel shall be final and binding on both the parties.

4.10 The athlete has no further right of appeal after the decision of the Appeal Panel and/or subsequent decision of the Selection Panel should it be required.