

# Appeals Policy

## State Team

### Selection

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#### **142. Appeals to Non-Inclusion in State Teams**

A rider may lodge an appeal against non-selection in a State Squad or NSW State team. The process for dealing with such an appeal is detailed hereafter:

##### **I. Grounds of Appeal**

An aggrieved person may appeal against a decision of the selectors in accordance with this By Law on the grounds that a decision of the selectors was not made in accordance with the selection policy, ie that the selection criteria was not properly followed or implemented.

##### **II. Procedure for Appeal**

- a. Any appeal against a decision of the selectors must be made within 3 calendar days following any public announcement of the selections;
- b. The appeal must be lodged in writing with the CEO and accompanied by the prescribed fee (\$150). If the matter does not proceed to a hearing or if the appeal is successful, the appeal fee may be refunded in full.
- c. The application for the appeal must set out:
  - i. The decision of the selectors in question.
  - ii. The grounds on which the appeal is made; and
  - iii. The reasons or circumstances supporting the alleged grounds of appeal.
- d. Nothing in this policy prevents the withdrawal of an appeal at any time in writing.
- e. On receipt of an appeal in accordance with this policy, the CEO must forward the appeal documents to the Selection Review Panel (SRP) without delay.

##### **III. Constitution of Selection Review Panel**

- a. The CNSW Board of Management will appoint a SRP that will be constituted by any three persons available to hear the appeal, which must include the following:
  - i. A person with experience in dispute resolution, or suitable experience in the process of determining selection appeals in sport, who will act as Chairperson of the SRP;
  - ii. A person with experience and understanding of cycling or high performance sport and with suitable skills for membership of the panel
  - iii. A former elite cyclist (minimum state level representation);
- b. No member of the SRP may be a selector, a member of the CNSW Board or have been a party to or directly interested in the matter under consideration.

##### **IV. Functions of the Selection Review Panel**

The SRP may either:

- a. Dismiss the appeal
- b. Uphold the appeal by adding the appellant to the team in question



- c. Uphold the appeal by adding the appellant to the team in question and removing from the team a rider whom in the opinion of then SRP was incorrectly named in the team at the expense of the appellant

#### **V. Procedures for the Selection Review Panel**

- a. The SRP shall, as soon as practical after receiving notice of the appeal, investigate and consider the matter and shall within seven days of receiving such notice, progress as follows:
  - i. Preliminary Assessment:  
Upon request by the CEO, the Chairperson of the SRP may conduct a preliminary review of the grounds for Appeal in order to assess the strength of the appellant's submission. The SRP Chairperson reserves the right to make contact with the appellant and/or selectors, should it be required, for clarification or additional information in this preliminary assessment phase. The SRP will then act in one of the following ways;
  - ii. Progress to a formal hearing of the appeal, on the basis that preliminary assessments indicate the case warrants a formal hearing; or
  - iii. Dismiss the appeal and not progress to a formal appeal hearing, ruling the case closed due to lack of merit. The appellant will then be informed in writing of these findings.
- b. If the matter warrants referral to a formal hearing the SRP shall, as soon as practicable, having regard to the timing of selection and proximity of relevant events, direct the CEO to serve a notice in writing on the aggrieved party:
  - i. Stating the date, place and time of that meeting which will convene as soon as practicable and no later than ten days from the date of the notice; and
  - ii. Stating that the aggrieved party may submit a further written statement setting out relevant information surrounding the appeal to be received by the CEO no later than 24 hours before the scheduled time and date of the SDP hearing.
- c. Any other athlete/s that may be affected by the outcome of an appeal shall also be notified and;
  - i. be advised of the appeal and the grounds submitted for appeal; and
  - ii. be provided the opportunity to lodge a written submission pertaining to the matter
- d. The selectors will also be requested to lodge a written statement outlining the reasons for their selections that impacted upon the non-selection of the aggrieved party.
- e. The SRP may conduct a meeting convened in accordance with this policy (or any adjournment thereof) in such manner as it sees fit, but shall:
  - i. Give due consideration to any written statement by the aggrieved person;
  - ii. Following consideration of all relevant and available information, the SRP shall arrive at a finding. A decision of the SRP shall be by a majority decision.
  - iii. The SRP shall notify the CEO of its finding within 12 hours.
  - iv. The CEO shall inform the appellant, selectors and any other affected party of the decision within 24 hours of advice from the SRP. Should the outcome be the amendment of the team in question's composition, the revised team shall be made public immediately after all affected parties have been notified privately.
  - v. Any further selection decision of the selectors under the direction of the SRP shall be final, and no other further appeal shall be available to the aggrieved person in respect of that selection.