



Appeal Process Policy

2013

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Appeals

In accord with the Constitution of Cycling SA, an athlete may lodge an appeal against non-selection in a National squad or South African team. The process for dealing with such an appeal is detailed hereafter:

1. Grounds of Appeal

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

2. Procedure for Appeal

Any appeal against a decision of the selectors must be made by the prescribed deadline (48 hours) following any public announcement of the selections;

- 2.1. The appeal must be lodged in writing with the Discipline Director or CEO and accompanied by the prescribed fee (R5000). If the matter does not proceed to a hearing or if the appeal is successful, the appeal fee may be refunded in full.
- 2.2. The application for the appeal must set out:
 - a. The decision of the selectors in question;
 - b. The grounds on which the appeal is made; and
 - c. The reasons or circumstances supporting the alleged grounds of appeal.
- 2.4. Nothing in this policy prevents the withdrawal of an appeal at any time in writing.
- 2.5. On receipt of an appeal in accordance with this policy, the Discipline Director or CEO must forward the appeal documents to the Selection Review Panel (SRP) without delay.

3. Constitution of Selection Review Panel

The Cycling SA Board will appoint a SRP that will be constituted by any three persons available to hear the appeal, which must include the following:

- 3.1. A person with legal training, experience in dispute resolution, or suitable experience in the process of determining selection appeals in sport, who will act as Chairperson of the SRP
- 3.2. A person with experience and understanding of cycling or high performance sport and with suitable skills for membership of the panel
- 3.3. A former elite cyclist; or a member of the Cycling SA Riders Commission; or a person appointed by the Cycling SA Riders Commission.

No member of the SRP may be a selector, a member of the Cycling SA Executive Committee or have been a party to or directly interested in the matter under consideration.

4. Functions of the Selection Review Panel

The SRP has no power of selection or re-selection. The SRP may review the matter set out in the appeal and may (as appropriate) refer the matter back to the selectors for consideration.

5. Procedures for the Selection Review Panel

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:

5.1. Preliminary Assessment:

Upon request by the Discipline Director or 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:

- a. Progress to a formal hearing of the appeal, on the basis that preliminary assessments indicate the case warrants a formal hearing;

Or

- b. 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.

5.2. 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 Discipline Director or CEO to serve a notice in writing on the aggrieved party:

- a. Stating that the aggrieved party may address the decision of the SRP at a meeting to be held as soon as practicable, and no later than ten days from the date of the notice;
- b. Stating the date, place and time of that meeting; and
- c. Informing the aggrieved person that he or she may do any one or more of the following:
 - i. Attend that meeting personally, by teleconference link or by his or her representative, not being legally trained or qualified; or
 - ii. Give the SRP, no later than 24 hours before the time of that meeting, a further written statement setting out relevant information surrounding the appeal.

- 5.3. Any other athlete/s that may be affected by the outcome of an appeal shall also be notified and;
- a. be advised of the appeal and the grounds submitted for appeal; and
 - b. be provided the opportunity to lodge a written submission or attend a hearing and provide evidence or be represented at the hearing by a nominated person/s.
- 5.4. 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. The selectors may attend a hearing and provide further evidence or be represented at the hearing by a nominated person/s.
- 5.5. 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:
- a. Give to the aggrieved party and the selectors every opportunity to be heard;
 - b. Give due consideration to any written statement by the aggrieved person;
 - c. Allow the aggrieved person to be present along with his or her adult representative (not being legally trained or qualified); and may, request or require the aggrieved person or any other witness to attend the meeting or provide such evidence as is available.
 - d. 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.
 - e. The SRP shall notify the CEO of its finding within 24 hours.
 - f. If the SRP considers the grounds alleged by the aggrieved person to be satisfied, it shall recommend that the selectors again consider the selection of the relevant squad, team or individual.
 - g. The selectors shall comply with the direction of the SRP in this regard.
 - h. 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.

6. Court of Arbitration for Sport

A person who wishes to appeal against a further selection decision of the selectors under the direction of the SRP may appeal to the Court of Arbitration for Sport (CAS). The decision of the CAS will be final and binding on the parties and it is agreed that neither party will institute or maintain proceedings in any court or tribunal other than the CAS.

- 6.1. Time in which appeal to the CAS can be lodged A person wishing to appeal to the CAS must give written notice of that fact to the Discipline Director or CEO within 48 hours of the announcement of the decision against which the appeal is made and must then file his or her statement of appeal with the CAS within a further 48 hours.
- 6.2. Failure to observe time limits; Failure of the appellant to observe the above time limits will render any appeal a nullity provided that a person may apply to Cycling SA for an extension of time in which to commence an appeal. Cycling SA may grant such an extension only in extenuating circumstances outside the control of the aggrieved person.