

1. PURPOSE

- 1.1. The purpose of this appeals procedure is to enable disputes with members and participants to be dealt with fairly, expeditiously and affordably, within British Orienteering.

2. DEFINITIONS

- 2.1. These terms will have these meanings in this procedure:

- 2.1.1. *Days* - will mean total days, counting weekends or holidays;
- 2.1.2. *Member* - refers to all categories of members of British Orienteering, as well as to all individuals engaged in activities with or employed by British Orienteering, including, but not limited to, athletes, coaches, officials, volunteers, directors, officers, team managers, team captains, medical and paramedical personnel, administrators and employees (including contract personnel);
- 2.1.3. *Appellant* - refers to the Member appealing a decision; and
- 2.1.4. *Respondent* - refers to the body whose decision is being appealed.

3. SCOPE OF APPEAL

- 3.1. Any Member of British Orienteering who is affected by a decision of the Board, of any Committee of the Board, or of any body or individual who has been delegated authority to make decisions on behalf of the Board, will have the right to appeal that decision, provided there are sufficient grounds for the appeal as set out in Section 5.1 of this Policy.

This policy will not apply to decisions relating to:

- 3.2. Matters of employment;
- 3.3. Selection decisions for international events, which are dealt with under British Orienteering Selection Policies;
- 3.4. Infractions for doping offences, which are dealt with pursuant to the *Anti-Doping Regulations*.
- 3.5. The competition rules of orienteering, which are dealt with under British Orienteering's Rules & Guidelines.
- 3.6. Disciplinary matters arising during events sanctioned by entities other than British Orienteering, which are dealt with pursuant to the by-laws, policies or procedures of those other entities; and
- 3.7. Any decisions made under Sections 4.3 and 6.2 of this policy.

4. TIMING OF APPEAL

- 4.1. Members who wish to appeal a decision will have 21 days from the date on which the decision is made public, to submit in writing notice of the intention to appeal, grounds for the appeal and a summary of the evidence that supports these grounds, to the Chair of the Appeal Committee (the "Official").
- 4.2. The appeal fee (as determined annually by the Board of British Orienteering) must be paid by the Appellant and received by British Orienteering within the 21 day deadline set out in Section 4.1.
- 4.3. Any party wishing to initiate an appeal beyond the 21 day period must provide a written request stating reasons for a deadline extension (or other variation) to the requirements of Sections 4.1 and/or 4.2. The decision to allow, or not allow, any such request(s) will be at the sole discretion of the Official, and may not be appealed.
- 4.4. Failure to comply with the requirements of Sections 4.1 and/or 4.2, or to comply with those requirements as amended under Section 4.3 (if applicable), will render the appeal inadmissible, unless decided otherwise by the Official and/or the Panel in exceptional circumstances.

5. GROUNDS FOR APPEAL

- 5.1. Not every decision may be appealed. Decisions may only be appealed, and appeals may be heard, on procedural grounds. Procedural grounds are strictly limited to the Respondent:
 - 5.1.1. the decision is irrational (i.e., it falls outside the range of what a reasonable person might decide), arbitrary or capricious;
 - 5.1.2. the decision is based on an error of law (i.e., it is contrary to the ___ rules, properly construed, or to applicable law)
 - 5.1.3. the procedure that was followed in reaching the decision was so unfair as to be contrary to natural justice.

6. SCREENING OF APPEAL

- 6.1. Within 14 days of receiving the notice and grounds of an appeal, the Official will determine whether there are appropriate grounds for the appeal to proceed as set out in [Section 5.1](#). In the absence of the Official, a designee will perform this function.
- 6.2. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified of this decision in writing, giving reasons. This decision is at the discretion of the Official, or his/her designee.

7. APPEALS PANEL

- 7.1. If the Official, or his/her designee, is satisfied that there are sufficient grounds for an appeal, within 21 days of having received the original notice of appeal the Official will establish an Appeals Panel (the “Panel”) as follows:
 - 7.2. The Panel will comprise three individuals who will have no significant relationship with the affected parties, will have had no involvement with the decision being appealed, and will be free from any other actual or perceived bias or conflict;
 - 7.3. A party may challenge the appointment of a member of the Panel where there are justifiable doubts as to the Member’s impartiality or independence or where the party raises any material objection(s). If a party intends to challenge any appointment that party shall, within 72 hours of notification by the Official or his/her designee of the Panel of the appointment, submit in writing to the (with a copy to the Chief Executive) the reasons why that party is challenging the Member. Unless the challenged member withdraws or the other party agrees to the challenge, the Official shall decide on the challenge and that decision shall be final. and
- 7.4. The Official may designate one of the Panel members to serve as Chairman of the Panel. In the event the Official does not designate a Chairman, the members of the Panel will select from themselves a Chairman.

8. PRELIMINARY CONFERENCE

- 8.1. The Panel may determine that the circumstances of the appeal warrant a preliminary conference. The matters that may be considered at a preliminary conference include:
 - 8.1.1. Format of the appeal (written submissions only, oral hearing or a combination of both);
 - 8.1.2. Timelines for exchange of documents;
 - 8.1.3. Clarification of issues in dispute;
 - 8.1.4. Order and procedure of hearing, including clarification of evidence to be presented to the Panel;

- 8.1.5. Location of the oral hearing (if applicable);
- 8.1.6. Identification of witnesses; and
- 8.1.7. Any other procedural matter that may assist in organising and/or expediting the appeal proceedings.

8.2. The Panel may delegate to its Chairman the authority to deal with these preliminary matters on behalf of the Panel.

9. PROCEDURE FOR THE HEARING

- 9.1. Where the Panel has determined that the appeal will be held by way of oral hearing, the Panel will govern the hearing by such procedures as it deems appropriate, provided that:
 - 9.1.1. The hearing will ordinarily be held within 60 days of the Panel's appointment;
 - 9.1.2. Decisions will be made by majority;
 - 9.1.3. If the decision of the Panel might affect another party to the extent that the other party would have recourse to an appeal in their own right under this policy, that party will become a party to the appeal in question and will be full rights to participate and make submissions and bound by its outcome;
 - 9.1.4. Any of the parties may be accompanied by a representative or advisor, including a legal advisor; and
 - 9.1.5. The Panel may allow that any other person attend and or participate in the appeal.
 - 9.1.6. The Panel may conduct the appeal by means of a telephone or video conference call (or similar communications equipment) allowing all persons to hear each other at the same time. Such participation shall constitute presence in person at such meetings.

10. PROCEDURE FOR DOCUMENTARY APPEAL

- 10.1. Where the Panel has determined that the appeal will be held where the appeal will be heard on the papers alone, it will govern the appeal by such procedures as it deems appropriate provided that:
 - 10.1.1. All parties are given a reasonable opportunity to provide written submissions to the Panel, to review written submissions of the other parties, and to provide written rebuttal submissions; and
 - 10.1.2. The applicable principles and timelines set out in [Section 9.1](#) are respected.

11. APPEAL DECISION

- 11.1. Within 14 days of concluding the appeal the Panel will issue its written decision, with reasons to follow subject to [Section 12.1](#). In making its decision, the Panel will have no greater authority than that of the original decision-maker. The Panel may decide:
 - 11.1.1. To reject the appeal and confirm the decision being appealed; or
 - 11.1.2. To uphold the appeal and refer the matter back to the initial decision-maker for a new decision; or
 - 11.1.3. To uphold the appeal and vary the decision but only where it is found that an error occurred and such an error cannot be corrected by the original decision-maker for reason of lack of clear procedure, lack of time, or lack of neutrality.
- 11.2. The Panel has the following powers in respect of costs:
 - 11.2.1. To determine how costs of the appeal, excluding legal fees and legal disbursements of any of the parties, will be allocated, if at all; and
 - 11.2.2. To order payment (or reimbursement) of the applicable appeal fee (see [Section 4.2](#)).
 - 11.2.3. A copy of this decision will be provided to each of the parties and to the Official.

11.3. In extraordinary circumstances, the Panel may issue a verbal decision or a summary written decision, with reasons to follow, provided the written decision with reasons is rendered within the timelines specified in Section [11.1](#).

12. TIMELINES

12.1. If the circumstances of the dispute are such that this policy will not allow a timely appeal, or if the circumstances of the disputes are such that the appeal cannot be concluded within the timelines dictated in this policy, the Panel may direct that these timelines be revised.

13. FINAL AND BINDING DECISION

13.1. The decision being appealed to Sport Resolutions will remain in full force and effect pending determination of the appeal, unless ordered otherwise by the Sport Resolutions panel hearing the appeals.

13.2. Any appeal shall be made within 21 days to a [sole arbitrator/tribunal of [three] arbitrator(s)] appointed in accordance with the Arbitration Rules of Sport Resolutions (UK) (a trading name of The Sports Dispute Resolution Panel Ltd - Company No. 3351039). The Appeal shall be governed by the Arbitration Act 1996 and Sport Resolutions (UK)'s Appeal Arbitration Rules, which Rules are deemed to be incorporated by reference to this clause. The decision of [the sole arbitrator/tribunal] shall be final and binding on all concerned.