

## Kickboxing Ireland Athlete Nomination Appeal Procedures

1. An athlete who fails to be nominated to the OFI selection committee may appeal against this decision in accordance with point 2 of this procedure.

2. The sole grounds of any appeal by an athlete are that:

- There was a failure to properly or fairly apply the nomination criteria set out in the nomination policy or;
- Clear bias was shown in favour of another athlete.

Any appeal will proceed in accordance with the procedures set out below.

3. Any athlete wishing to appeal (herein after “Appellant”) shall email the Kickboxing Ireland (KBI) National Secretary with a written notice of appeal outlining the reasons together with supporting evidence to substantiate the appeal (herein after “the Appeal”). Such an email must be received within 48 hours of the athlete receiving the outcome of the decision of the nomination panel.

4. The Appeal should be succinct and explain clearly the grounds for appeal (see point 2). The time limits for lodging the Appeal and accompanying document is mandatory. Failure to comply with these time limits will result in an appeal being dismissed without consideration.

6. The Appeal must also be accompanied by a contribution to the costs of the appeal of €150 payable by the Appellant by electronic transfer to KBI. This €150 sum will be refunded to the Appellant by KBI in the event the appeal is upheld.

7. The National Secretary shall supply copies of the written Appeal to the KBI Executive Committee.

8. The KBI Executive may respond to the Appellant and in its response it may stand over any nomination decision made or change a nomination decision based on the information at hand. If the Executive decides to stand over any nomination decision made, the Appellant may further request an appeal hearing.

9. If an appeal hearing is requested, the Executive committee shall appoint a member to constitute as expeditiously as possible a panel to hear the appeal (the Appeal Panel). The Appeal Panel will comprise of three members who are independent of the Appellant and KBI. Each member should be familiar with the role and function of appeal panels and procedures relevant to arbitration. The members of the Appeal Panel may be comprised of members from other NGB's or the Sport Dispute Solution Ireland Arbitration Panel but not from within Kickboxing Ireland or IMAC.

10. The KBI Executive Committee will appoint one person to act on its behalf during the appeal process (Respondent).

11. The Appeal Panel shall appoint one of its members to chair the appeal (herein after “the Appeal Panel Chairperson”).

12. When constituting the Appeal Panel, the KBI Executive Committee shall have regard to the principle that the Appeal Panel should be seen as an independent, impartial and open-minded body.

### **13. Time and Place of Appeal**

**13.1** The National Secretary shall notify all the parties concerned as soon as possible of the place and time of the appeal together with the names of the members of the Appeal Panel.

**13.2** The National Secretary will as early as possible prior to the date of the appeal circulate to the individual members of the Appeal Panel, the Appellant and the Respondent copies of:

- The Appeal and other relevant documentation on which the Appellant wishes to rely.
- The Response (If a response has been given to the Appellant from the KBI Executive).
- The Request for Hearing.
- Any further written representations.

**13.3** The Appeal Panel is empowered to call witnesses, to seek expert advice as necessary and to hear evidence from persons nominated by the parties concerned, where requested. Strict rules of evidence do not apply but all involved should be aware that “hearsay” evidence is unlikely to carry as much weight as evidence within the direct knowledge of the parties and any witnesses.

**13.4** The Appellant may be accompanied or represented at the hearing by a maximum of 2 people.

**13.5.** The Appeal Panel will hear the evidence in private unless the parties agree otherwise.

### **14. Appeal Hearing Procedure and Decision**

**14.1** The Appeal Panel shall hear the appeal in the following order:

**14.2** The Appellant will present his/her case without interruption, except for the purpose of clarification, from the Appeal Panel.

**14.3** The Appeal Panel will ask questions.

**14.4** The Respondent will present KBI’s case without interruption, except for the purpose of clarification, from the Appeal Panel.

**14.5** Either party may raise questions through the Appeal Panel Chairperson.

**14.6** Each Party shall make final submissions to the Appeal Panel with the Appellant having the right to be heard last following which the appeal shall be concluded.

**14.7** If at any time during the hearing there is any unreasonable behaviour the Appeal Panel Chairperson may elect to bring the proceedings to a close and thereafter the Appeal Panel will determine the appeal on the basis of the written and verbal submissions prior to that time.

**14.7** The Appeal Panel will consider the evidence and having done so shall decide and shall notify the parties in writing of its decision as soon as possible and preferably within 24 hours of the appeal hearing.

**14.8** The Appellant can withdraw an appeal at any time.

### **15. Panel’s Recommendations**

**15.1** In the event of an appeal being upheld the Appeal Panel shall be entitled to make recommendations to Kickboxing Ireland.

**15.2** A decision of the Appeal Panel may be appealed exclusively to Sport Dispute Solutions Ireland ( “SDSI”), for resolution in accordance with the SDSI Arbitration rules.

**15.4** Any appeal to SDSI must be filed within seven days from receipt of the Appeals Panel decision. Thereafter, the procedural rules of SDSI apply.

Version	By	Date
1	Jon Mackey	26.09.2022
1.1	Approved by Executive	28.10.2022