



**PROTEST & APPEALS POLICY**  
Version 1.1

**PROTEST & APPEALS POLICY**

**VERSION HISTORY**

<b><u>Prepared By</u></b>	<b><u>Version Number</u></b>	<b><u>Date</u></b>
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## **PROTEST & APPEALS POLICY**

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#### **INTRODUCTION**

This document sets out rules and procedures relating to protests and appeals for all events sanctioned by Triathlon Ireland.

These procedures were submitted to the Board of TI on 18 February, 2017 and approved by the Board on 25 February 2017. All previous procedures are superseded by this version with effect from 1st March, 2017.

Any issues arising from the transition between previous procedures and these shall be determined by the CEO.

This document may be amended from time to time by the Board or by officers of the Association authorised by the Board to do so. The definitive text of this document in force from time to time is the version contained on the TI website in the section marked Events/Rules . Any printed text or electronic copy held elsewhere is only a snapshot of the text at the time it is printed, copied or downloaded.

#### **PROTESTS**

##### **General:**

a.) A protest is against the conduct of an athlete, Technical Official, or the conditions of the competition. An athlete may file a protest with the Race Referee provided the protest has not been previously observed by the Technical Officials and ruled upon by the Race Referee.

##### **Protests Concerning Eligibility:**

a.) Protests concerning the eligibility of an athlete shall be made to the Race Referee before the Athletes' Briefing. The Competition Jury will decide on this in a meeting scheduled immediately after the Athletes' Briefing.

##### **Protests Concerning the Course:**

a.) Protests concerning the safety of the course or its variance to the regulations must be made to the Race Referee no later than two (2) hours before the start of the race.

##### **Protests Concerning the Race:**

a.) An athlete, who protests against another athlete or Technical Official, must do so to the Race Referee within fifteen (15) minutes of his/her finish.



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### **Protests Concerning Equipment:**

a.) Protests concerning an athlete's equipment, which infringes on the conditions set out in the ITU Competition Rules, must be delivered to the Race Referee within fifteen (15) minutes of his/her finish.

### **Protests Concerning Timing and Results:**

a.) Protests concerning typographical errors in the results, which are not reflecting the decisions made by the Race Referee or the Competition Jury, may be delivered in writing by the athlete to Triathlon Ireland (by email to [appeals@triathlonireland.com](mailto:appeals@triathlonireland.com)) within thirty (30) days of the competition.

### **Contents of a Protest:**

a.) The protest must be accompanied by a deposit of €40 and will be refunded if the protest is successful. If the protest is dismissed, there will be no refund and the money will be retained by Triathlon Ireland. Protest forms may be obtained from the Race Referee.

The protest should contain, but is not limited to:

- The alleged rule violated;
- The location and approximate time of the alleged violation;
- Persons involved in the alleged violation;
- A statement, including a diagram of the alleged violation, if possible;
- The names of witnesses who observed the alleged violation.

### **Protest Procedures:**

a.) The following procedure will be followed in the event of a protest:

(1) Protests will be filed with the Race Referee, signed by the protester, within the time limits specified above;

(2) The Race Referee will announce on the notice board in the finish area that a protest has been filed;

(3) All parties involved must be present. If the protester does not attend, the protest hearing may be postponed or cancelled. The Competition Jury will determine if absence from the hearing is valid;



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- (4) Failure of any party to attend the hearing may justify the Competition Jury in making a decision without them;
- (5) A representative for all parties involved may be designated to appear if approved by the Chair of the Competition Jury;
- (6) The hearing will not be open to the public and should be conducted in a pre-selected, suitable space which affords privacy to the all parties involved and Jury members
- (7) The Competition Jury Chair will explain the process and everyone's rights;
- (8) The Competition Jury Chair will read the protest;
- (9) All parties involved will be given adequate time to give their accounts of the incident;
- (10) Witnesses (up to two each) may speak for up to three (3) minutes each;
- (11) The Competition Jury will hear the evidence and render a decision, by simple majority;
- (12) The decision will be posted immediately and delivered in writing to the parties upon request;
- (13) The Competition Jury will produce minutes of the meeting, including the Competition Jury's decision, which must be approved by all members of the Competition Jury, by the end of the meeting. The minutes will be submitted to TI within 24 hours of the meeting (by email to [appeals@triathlonireland.com](mailto:appeals@triathlonireland.com)).

### APPEALS

#### **Appeal Jurisdiction**

**a.) An appeal is a request for a review of a decision made by the Race Referee (Level 1), or the Competition Jury (Level 2)**

#### **Levels of Appeal - Level 1**

a.) The following procedure will be followed in the event of a **Level 1 Appeal**:

- (1) An athlete may appeal the decision of the Race Referee to the Competition Jury. The appropriate appeal form can be obtained from the Race Referee;



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- (2) Appeals will be filed in writing to the Race Referee, signed by the appellant and will be accompanied by a fee of €40 or equivalent. It will be refunded if the appeal is successful. If the appeal is dismissed, there will be no refund and the money will be retained by TI;
- (3) An athlete who appeals a Race Referee's decision must do so to the Race Referee within fifteen (15) minutes of his/her finish.
- (4) The Race Referee will post information on the notice board that an appeal has been filed;
- (5) The parties involved must be present. If the appellant does not attend, the appeals hearing may be postponed or cancelled. The Competition Jury will determine if absence from the hearing is valid;
- (6) Failure of any party to attend the hearing may justify the Competition Jury in making a decision without them;
- (7) A representative for the parties involved may be designated to appear if approved by the Chair of the Competition Jury;
- (8) The hearing will not be open to the public and should be conducted in a pre-selected, suitable space which affords privacy to all parties involved and Jury members
- (9) The Competition Jury Chair will explain the process and everyone's rights;
- (10) The Competition Jury Chair will read the appeal;
- (11) The parties involved will be given adequate time to give their accounts of the incident;
- (12) Witnesses (up to two each) may speak for up to three (3) minutes each;
- (13) The Competition Jury will hear the evidence and render a decision, by simple majority;
- (14) The decision will be posted immediately and delivered in writing to the parties upon request;
- (15) The Competition Jury will produce minutes of the meeting, including the Competition Jury's decision, which must be approved by all members of the Competition Jury, by the end of the meeting. The minutes will be submitted to TI within 24 hours of the meeting.



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#### **Levels of Appeal - Level 2**

##### **a.) The following procedure will be followed in the event of a Level 2 Appeal:**

- (1) Decisions from any Competition Jury may be appealed to the TI Arbitration Tribunal. An appeal will only be considered valid for this stage of appeal if it is against incorrect application of the Stage 1 procedures and or incorrect application of either TI/ITU rules.
- (2) Appeals may be submitted up to thirty days after Competition Jury decision;
- (3) Appeals will be submitted in writing to the TI Appeals manager and will be accompanied by a deposit of €300. This will only be refunded if the appeal is successful.
- (4) The Appeal Hearing will not be open to the public.
- (5) A representative(s) for all parties involved may be designated to appear, or may be requested to make a written submission if approved by the Chair of the Arbitration Tribunal;
- (6) The Arbitration Tribunal Chair will explain the process and everyone's rights;
- (7) The Arbitration Tribunal Chair will read the appeal;
- (8) All parties involved will be given adequate time to give their accounts of the incident or to have their written account read into record;
- (9) Witnesses (up to two each) may speak for up to three (3) minutes each;
- (10) The Arbitration Tribunal will hear the evidence and render a decision, by simple majority;
- (11) The decision will be posted immediately and delivered in writing to the parties upon request;
- (12) The Arbitration Tribunal will produce minutes of the meeting, which must be approved by all members of the Arbitration Tribunal. The minutes will be submitted to TI within 24 hours of the meeting.
- (13) The revised results(if any) will be announced, published and the athletes informed.

#### **Levels of Appeal - Level 3**

Level 3: The decision of the TI Arbitration Tribunal Panel may be appealed, as a final and last resort, to Just Sport Ireland, to the exclusion of any recourse to ordinary courts, within thirty days from the decision of the TI Arbitration Tribunal Panel. Any decision taken by the said dispute resolution panel (JSI) shall be without appeal and shall be binding on the parties concerned.



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### Competition Jury

#### Jury Composition

The **Triathlon Ireland National Events Co-Ordinator** will appoint the members of the Competition Jury as follows:

(1) For National Championships & Super Series[eg - Major Events] the Competition Jury consists of **three** people being selected from:

- The Technical Delegate, who chairs the Competition Jury;
- Member(s) of the TI Board or Staff Panel(approved by CEO/President)
- Member(s) of the TI Technical Committee

If a jury cannot be formed from the above, the Technical Delegate shall ask the Race Organiser to nominate a suitable volunteer(s) to assist with Jury duties.

(2) For all the other TI events, the Competition Jury consists of **three** people being selected from:

- The Technical Delegate, who chairs the Competition Jury;
- Suitable volunteers identified in advance of the event.

The Competition Jury can invite experts to the hearing, whereby they may have voice but no vote.

#### **Being a member of the Competition Jury in one event is not compatible with:**

- (1) Being a TO in the same event other than the Technical Delegate;
- (2) Being an accredited coach in the same event;
- (3) Being an athlete competing in the same event.

All jury members must be members of Triathlon Ireland.

#### Duties of the Competition Jury

- The Competition Jury rules on all Level 1 appeals and all protests;
- The Competition Jury has the authority to modify the competition results as a consequence of its decision on the appeal or protest;
- The Competition Jury must be available starting before the Athletes' Briefing until after the end of competition;
- The Competition Jury Chair is responsible for filing a written statement on all appeals and decisions reached. This must reach Triathlon Ireland office within 24 hours of completion of jury deliberations to [appeals@triathlonireland.com](mailto:appeals@triathlonireland.com).



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#### **Competition Jury meetings schedule**

(1) Competition Jury will meet, at a minimum:

- After the race briefing;
- After the finish of the first half of the field

#### **Competition Jury Integrity:**

(1) The Competition Jury observes the following principles:

- Give equal weight to the evidence and testimony provided by all;
- Recognize that honest testimony can vary and be in conflict as a result of personal observation or recollection;
- Have an open minded approach until all evidence has been submitted;
- Recognise an athlete is innocent until the alleged violation has been established to the complete satisfaction of the Competition Jury.

(2) Conflict of interest:

- The Chair of the Competition Jury decides if any Jury member has a conflict of interest;
- In case of a conflict of interest, the Chair of the Competition Jury has to replace the member who has the conflict of interest, at his/her discretion. The Competition Jury will remain with the same number of members that it originally had;
- The Chair of the Competition Jury is deemed not to have a conflict of interest.

#### **TI Arbitration Tribunal Panel**

#### **Panel Composition**

The TI Arbitration Tribunal Panel may be required to meet from time to time to hear Level 2 Appeals. The Panel should be made up of 3(three) members as follows:

- Member from TI Board(to Chair)
- Member from TI Technical Committee
- Member from TI Staff(CEO or selected by CEO)





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The Panel may not consist of a Jury member from the original Level 1 protest/appeal if applicable.

### **Duties of the Tribunal Panel**

1. The **Tribunal Panel** rules on all Level 2 appeals;
2. The **Tribunal Panel** has the authority to modify the competition results as a consequence of its decision on the appeal
3. The **Tribunal Panel** Chair is responsible for filing a written statement on all appeals and decisions reached. This must reach Triathlon Ireland office within 24 hours of completion of jury deliberations to [appeals@triathlonireland.com](mailto:appeals@triathlonireland.com).

### **Tribunal Panel meeting schedule**

1. Tribunal Panel will meet:
  - Within 7(seven) days of receipt to valid Level 2 Appeal

### **Arbitration Tribunal Panel Integrity:**

(1) The **Arbitration Tribunal** observes the following principles:

- Give equal weight to the evidence and testimony provided by all;
- Recognize that honest testimony can vary and be in conflict as a result of personal observation or recollection;
- Have an open minded approach until all evidence has been submitted;
- Recognise an athlete is innocent until the alleged violation has been established to the complete satisfaction of the Competition Jury.

(2) Conflict of interest:

- The Chair of the Arbitration Tribunal decides if any member has a conflict of interest;
- In case of a conflict of interest, the Chair of the Competition Jury has to replace the member who has the conflict of interest, at his/her discretion. The Competition Jury will remain with the same number of members that it originally had;
- The Chair of the Competition Jury is deemed not to have a conflict of interest.