

Appeals Process

The WSF's Appeals Policy provides a mechanism to enable disputes about appointments or re-appointments of WSF Referees and WSF Assessors to be resolved fairly and expeditiously.

Any Candidate for a WSF Referee and/or Assessor appointment or re-appointment who is affected by a decision of the Referee Appointments Review Panel (RARP) may appeal against that decision, provided there are sufficient grounds and provided the appeal is based only on procedural grounds such that the RARP made a decision for which it did not have authority or jurisdiction or was influenced by bias.

Notice of an appeal must be provided to the WSF Chief Executive Officer (CEO) within 14 days of the Candidate's receiving notice of the decision of the RARP. Such notice must describe the grounds for the appeal and contain a summary of the evidence that supports those grounds. For the purpose of this paragraph, date of notice will be the date on which the receipt of notice is confirmed verbally where the notice is hand-delivered, electronically where the notice is faxed or e-mailed, in writing where the notice is delivered by commercial courier, or in the case of notice that is provided by mail, ten days after the date the mail is postmarked.

Within 14 days of receiving notice of an appeal, the CEO will name a three person Appeal Panel (the "Appeals Panel") comprised of a member of ManCom who will act as Chairperson of the Appeals Panel, an Active Referee nominated by the Candidate and an Active Referee or Assessor nominated by the RARP. The ManCom member serving as Chair of the Appeals Panel may not be the same ManCom member who may have served as the Chair of the RARP.

Within seven days of its appointment, the Appeals Panel will determine if the appeal is based on permissible grounds. If the appeal is denied on the basis of insufficient grounds, the Appellant will be notified in writing, stating reasons. This decision is at the sole discretion of the Panel.

If the Appeals Panel decides that there are sufficient grounds for an appeal, it will follow these procedures in conducting the appeal:

- The parties to the appeal are the Candidate (the "Appellant") and the RARP Chair (the "Respondent")
- The Appeals Panel will have full authority for the administration of the appeal process, including specifying timelines to be met by the parties and determining how written submissions will be distributed
- The Appeals Panel will conduct the appeal in a timely manner and has the authority, where warranted, to abridge or extend any timelines in this policy
- Both parties will be invited to present their respective case in a written submission to the Panel
- Both parties will have an opportunity to review the submission of the other party and to prepare a short written rebuttal
- The Appeals Panel, at its sole discretion, may convene a telephone conference with the parties in order to seek clarification on any issue raised by their submissions
- Within 14 days of receiving all the documentation, or where applicable, within 14 days of convening a telephone conference, the Appeals Panel will issue its written decision, with reasons

- In making its decision, the Appeals Panel will have no greater authority than that of the RARP. The Appeals Panel may decide:
 - To reject the appeal and confirm the decision being appealed
 - To uphold the appeal and refer the matter back to the RARP for a new decision or
 - To uphold the appeal and vary the decision where it is found that an error occurred and such an error cannot be corrected by the RARP for reason of lack of clear procedure, lack of time, or lack of neutrality.
- In extraordinary circumstances, the Appeals Panel may issue a verbal decision or a summary written decision, with reasons to follow.

The decision of the Appeals Panel will be final and binding on the parties and on all parties and Member Nations of WSF.

Developed by the Centre for Sport and Law
July 2004.