Swim Ireland Swimming, Open Water Swimming & Diving
Appeals Procedure for Athlete Funding Agreements

The following appeals procedure applies in respect of any appeal made by an athlete where:

i. An application has not been made by Swim Ireland to Sport Ireland for funding through the International Carding Scheme, or to Sport NI for the Sport NI Athlete Award Programme, or;
ii. Funding through the International Carding Scheme or Sport NI Athlete Award Programme has been suspended, reduced or withdrawn by Swim Ireland, or;
iii. Funding through the Swim Ireland Performance Bursary has been suspended, reduced or withdrawn by Swim Ireland

In the case of any of the above situations, the appeal must be exercised within the timelines below.

Limitation of Appeal
Any appeal under this procedure, including an appeal that Swim Ireland failed to make an application on behalf of an athlete who meet the applicable eligibility and performance criteria, is limited to the following grounds:

a) bias, and/or
b) Swim Ireland failed to adhere to the relevant Funding Agreement document, including any applicable eligibility or performance criteria

Notice of Appeal
1. The Appeal must be delivered within:
    a. **Seven days** of written communication to the athlete that an application to Sport Ireland/Sport NI will not be made, or;
    b. **Three days** of written communication to the athlete that funding has been suspended, reduced or withdrawn

2. The Appellant must lodge a Notice of Appeal (pages 3-7) setting out one or both of the limited grounds of appeal together with any supporting documentation

3. The Notice of Appeal must be emailed to the Swim Ireland Performance Office at **performance@swimireland.ie** and copied to the Swim Ireland Chief Executive Officer (CEO) at **ceo@swimireland.ie**

4. An administrative fee of €100.00 must be paid with the Notice of Appeal either electronically to Swim Ireland Bank Account (IBAN IE03AIBK93251559772048 and BIC AIBKIE2D) or by cheque made payable to 'Swim Ireland'. This fee will be refunded to the Appellant if the Appeal is successful

Leave to Appeal
5. The Swim Ireland Performance Operations Manager shall supply copies of the Notice of Appeal to the Swim Ireland Complaints & Disciplinary Officer (SICDO) within **one day** of receipt of the Notice of Appeal

6. The Performance Operations Manager and the SICDO shall review the Notice of Appeal and any attached documents in order to determine whether leave to appeal should be granted to the Appellant

7. The Performance Operations Manager and the SICDO shall have regard to:
    (a) whether the Notice of Appeal was served in time and;
    (b) whether an eligible ground of appeal has been raised in the Notice of Appeal in determining whether leave to appeal should be granted

8. If the Performance Operations Manager and the SICDO determine that an Appellant has or has not met the criteria for leave to appeal, then they shall communicate their decision to grant or refuse leave to appeal to the Appellant and to the CEO of Swim Ireland within **three days** of receipt of the Notice of Appeal

9. Within **three days** of receipt of a decision to grant leave to appeal from the Performance Operations Manager and the SICDO the CEO shall:
    (a) appoint an ad hoc Appeal Committee, (three persons, two of whom shall be independent of Swim Ireland)
    (b) deliver to that Appeal Committee and the Appellant the appeal documents and
    (c) notify the Appellant of the composition of the Appeal Committee

10. The Appellant shall raise any objection to the composition of the Appeal Committee, setting out the reasons for such objection within **two days** of receipt of the notice of the composition. If there is any objection to the composition of the Appeal Committee, the Appeal Committee shall have the right to determine if the objection is upheld or not. If there is any possibility of a perception of bias or actual bias then that member of the Appeal Committee should stand aside. If the objection is upheld, then the CEO shall appoint new person(s) to the Appeals Committee

11. The appeal hearing shall take place within **seven days** of receipt by the CEO of the decision to grant leave to appeal. The Appeal Committee shall have discretion to extend this timeline for the appeal hearing where it deems fit

12. Within **three days** of the Appeal Committee being appointed (and not be objected to), the Chair appointed by the Appeal Committee shall deliver notification of the hearing to the Appellant and to the Performance Operations Manager including, where appropriate, the following details: -
    (a) the time, date and venue of the hearing, with at least **four days**' notice of the hearing;
    (b) all documents received by the Appeal Committee;
    (c) an outline of their rights at the hearing which includes the following rights: legal representation, to produce additional documents, to deliver submissions, to examine and cross-examine witnesses (including expert witnesses); to make statements;
    (d) each party attending the appeal hearing shall deliver to the Appeal Committee notice of all witnesses and legal representatives and where appropriate, provide copies all witness statements and written submissions within **two day**s of the scheduled appeal hearing;
    (e) where it appears that the interests of a Third Party may be affected by any decision of the Appeals Committee, the Appeals Committee may invite the Third Party to make submissions and produce additional documents and make submissions

13. The decision of the Appeal Committee, which is by majority, is limited to determining whether either or both of the grounds for appeal have been substantiated

14. The Appeal Committee shall email a written reasoned decision to the parties attending the hearing within **two days** of the appeal hearing

15. The decision of the Appeal Committee shall be binding on the parties attending the appeal hearing and any affected third party who is a member of Swim Ireland, subject to a right to challenge such decision before Sports Dispute Solutions Ireland (SDSI) arbitration in accordance with the SDSI arbitration rules and procedures

16. Any arbitral challenge to the decision of the Appeals Committee must be commenced within **seven** days of receipt by the Appellant of the decision of the Appeals Committee

Powers of the Appeal Committee

17. The Appeal Committee shall have the flexibility to conduct the hearing in any manner it deems fit, subject to the hearing being conducted fairly

18. The Appeal Committee may, at its sole discretion, disregard any failure by a party to adhere to these Procedures and may give such further directions as may be appropriate

19. If any party fails to appear at the hearing or comply with the Chair's direction or other communication issued by the Chair, the Appeals Committee may proceed in the absence of that party

20. The Appeal Committee shall either uphold or reject the appeal. The Appeal Committee cannot replace the decision of the National Performance Director. Where the appeal is upheld, then the Appeal Committee shall remit the matter back to the National Performance Director with directions

21. Each party shall be responsible for their own costs and expenses, including legal costs for the appeal hearing. The Appeal Committee has no power to make an award of legal costs against a party. The Appeal Committee has the power to order a party to pay for the costs of the appeal hearing, such as room hire, travel, catering, legal assessor and other expenses incurred because of the hearing

SCHEDULE

NOTICE OF APPEAL

1. DETAILS OF THE PERSON / ORGANISATION APPEALING (the "Appellant")

Name of Appellant

Date of Birth

Address

Email

Phone

Discipline

Name of Barrister/Solicitor or other representative of Appellant (if applicable)

2. PARENT/LEGAL GUARDIAN'S DETAILS (if Appellant is under 18):

Name(s)

Address

Email

Phone

1. DETAILS OF RESPONDENT (if other than Swim Ireland)

Name of Respondent(s): (Individual or Organisation against whom the Appeal is filed):

Address

Email

Phone

2. INTERESTED PARTIES

Are there any other persons or organisations who or which may be directly affected by, or who has a sufficiently close interest in this occurrence?

Name

Address

Email

Phone

3. DETAILS OF DECISION BEING CHALLENGED:

Date of decision (If date notified of decision is different, please state)

Person(s)/Organisation responsible for decision

4. GROUNDS OF APPEAL:

Please state whether your appeal is based on:

(a) bias, and/or
(b) Swim Ireland failed to adhere to the relevant Funding Agreement document, including any applicable eligibility or performance criteria

Provide a summary of the nature of this appeal.

Please provide details of outcome and/or relief sought

Please provide details of any documents relied on (explaining the relevance of any document relied upon).

1. 2. 3. 4. 5.

Please provide the names of witnesses (if any).

5. URGENT APPEAL

Are there grounds for showing that this appeal should be heard as a matter of urgency?

☐ Yes ☐ No

If yes, please provide reasons justifying this.

Signed: _____

If signatory is someone other than the Appellant, please outline signatory's relationship with the Appellant)

_____

Date: _____

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CHECKLIST

1. Is this document completed, dated and signed? ☐
2. Have you attached documents you are relying upon? ☐
3. Have you confirmed if your appeal is on the grounds of (a) bias, and/or (b) Swim Ireland failed to adhere to the relevant Funding Agreement document, including any applicable eligibility or performance criteria ☐
4. Have you either attached a cheque for €100.00 made payable to 'Swim Ireland' or transferred €100.00 to the Swim Ireland bank account (IBAN: IE03AIBK93251559772048 and BIC: AIBKIE2D)? *Please include proof of payment if paid by bank transfer* ☐
5. Have you sent this form by email only to the Performance Office at **email – performance@swimireland.ie** and copied to the CEO at **ceo@swimireland.ie?** ☐