



# O.N.A.K.A.I.

## Official National Amateur Karate Association of Ireland

National Governing Body for Karate in Ireland

### O.N.A.K.A.I. Selection Appeals Policy for EKF, WKF and Olympic Events.

#### 1. SELECTION APPEALS PROCEDURE.

The purpose of the selection appeals procedure is to enable independent internal dispute resolution around athlete selection decisions to be dealt with fairly, and transparently within O.N.A.K.A.I.

1.1 This selection appeals procedure (`the procedure`) applies to international team selection decisions for the competitions published on the O.N.A.K.A.I. website, and all decisions to nominate an athlete to the Irish team for the EKF /WKF and Olympic events. This procedure will remain valid until replaced or amended by O.N.A.K.A.I.

1.2 Selections will take place in accordance with the selection policies published on the O.N.A.K.A.I. website (each referred to as `selection policy`). Any athlete wishing to lodge an appeal under this procedure must be familiar with the detailed provisions of the selection policy for the relevant competition.

1.3 The appeals procedure provides an accelerated route for any challenges to be resolved as quickly and as reasonably as possible and in time for registration for the event to which the selection relates. Accordingly, an appeals decision will be returned as urgently as possible after an appeal has been submitted.

1.4 This procedure is the only applicable O.N.A.K.A.I. internal appeals procedure as to how selection decisions are to be challenged. The parties agree to submit any dispute concerning any matter connected with, or arising out of selection issues, to binding arbitration in accordance with the provisions of this procedure. The parties agree that they will not commence, continue, or maintain any legal challenge to any matter falling under the jurisdiction of this procedure, or any decision made under this procedure, before any court of law or other dispute resolution body (including, but not limited to the Court of Arbitration of Sport).

#### 2. APPEALS PANEL.

The Appeals Panel of O.N.A.K.A.I. will comprise five (5) members.

2.1 The appeals panel shall be comprised one (1) Chair of the appeals panel and four (4) members each approved by the Executive of O.N.A.K.A.I.

ADOPTED 09/07/2021



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### 3. CONFLICT OF INTEREST.

No fewer than three (3) members of the appeals panel must declare that they have no conflict of interest in a particular appeal for the appeal to be heard. In exceptional circumstances if there are less than three (3) members available for any one appeal, the Executive of O.N.A.K.A.I. will appoint an additional member(s) to the appeals panel.

### 4. GROUNDS FOR APPEAL.

4.1 The grounds upon which a selection decision may be appealed are limited to the following:

1. There has been an alleged failure of the selection panel to follow or apply the relevant selection procedure and/or criteria set out in the applicable selection policy (e.g., there has been a procedural defect), and/or
2. The selection panel and the decision for selection for the event has been reached on the basis of an error of fact.

4.2 The Appeal Procedure shall only apply to the selection decisions and not to any grievances or grounds in relation to O.N.A.K.A.I. in general, or an appeal against the published content of the event selection policy.

4.3 The grounds for appeal are limited and are not an opportunity to dispute the opinion of the selection panel where they have followed the proper procedure. It is not the role of the appeals panel to review the merits of the selection panel decision.

### 5. HOW TO APPEAL.

5.1 The Appeal Procedure is commenced when an athlete affected by a selection decision makes a formal written appeal by email (the `notice of appeal`) to the Chair of the O.N.A.K.A.I. appeals panel and Head Coach. This must be done within twenty-four (24) hours of the selections being announced or communicated (sent by email) to an athlete, whichever is first. If an athlete fails to submit the notice of appeal within the time limit set out in this appeals procedure, he/she will automatically lose their right of appeal under this procedure, unless in the opinion of the Chair (acting reasonably) that there was an exceptional circumstance or other good reason for the submission to be made outside the time limit.

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5.2 The Notice of Appeal Form will set out the grounds for appeal which will include the full details of the basis for appeal including the precise manner in which the athlete alleges that the selection decisions have not been applied or followed (as per section 4 – Grounds for Appeal). The Notice of Appeal should be as full as possible (including any supporting documentation) as it will form the basis for the remainder of this procedure.

5.3 Athlete will have a further 72 hours after submitting the Notice of Appeal to submit any supporting documentation.

## 6. SCREENING OF APPEAL.

6.1 On receiving the Notice and grounds of an appeal, the Chair of the Appeals Panel will determine whether there are appropriate grounds for the appeal to proceed, as set out in section 4.

6.2 The Chair of the Appeals Panel will determine in the first instance, if the appeal is denied on the basis of insufficient grounds, and the athlete will be notified of this decision by email, giving reasons. In the second instance, if the Chair decides there are sufficient grounds for an appeal, an Appeal meeting will be called.

## 7. APPEAL MEETING PROCEDURE

If there are sufficient grounds for an appeal, the Appeals Panel will proceed by way of a review of the documents, including the written Notice of Appeal submission of the Appellant.

7.1 If an Appeals Meeting is called, the Chair of the Appeals Panel will contact the Selection Panel (the Head Coach – a selection panel member) to inform them of the appeal; provide them with a copy of the Notice of Appeal and request that the selection panel provides any response which they wish to make on behalf of the selection panel.

7.2 Appeal Meeting. The manner in which the appeal panel will meet is the decision of the Chair of the appeals panel.

7.3 The appeal meeting panel will comprise three (3) individuals (one being the Chair of the appeals panel) drawn from a pool of five (5) who will have no significant relationship with the affected parties and will have had no involvement with the decision being appealed, or the appellant whatsoever.

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7.4 If the Chair of the appeals panel is unable to attend a meeting or declares a conflict of interest with a particular appeal, the Chair of the appeals panel will designate a member of the appeals panel to chair the meeting.

### 8. APPEALS DECISION

The appeal panel will seek to reach its conclusion as urgently as possible after the receipt of the Notice of Appeal and will inform the Appellant by email (or such method of communication as the appeal panel shall decide). The appeal panel will give reasons for its decision.

8.1 The appeals panel may decide as follows:

1. That the selection panel's decision for selection be set aside as the selection panel failed to follow or apply the relevant Selection Procedure and/or criteria set out in the applicable selection policy or was based on an error of fact and the matter of the athlete's selection be remitted for fresh consideration by the selection panel to reconsider the matter.
2. That the selection panel's selection decision be upheld and the athlete's appeal be rejected.

8.2 The appeals panel may also make recommendations for the future revision and/or smoother execution of the selection and appeals process, which should be considered by O.N.A.K.A.I. and the selection panel.

8.3 The appellant may submit a further appeal to SDSI.

### 9. CONFIDENTIALITY OF PROCEEDINGS AND COMMUNICATIONS OF THE DECISION.

9.1 O.N.A.K.A.I. and the Appellant are under an obligation of confidentiality in respect of any appeal under this procedure. Save as permitted under this selection appeals procedure, none of the parties will make any public statement of disclosure of the contents of the notice of appeal or any matter referred to by any of the parties during the course of these proceedings.

9.2 O.N.A.K.A.I. will be entitled to publish the decision of the appeal panel where it upholds the appeal (or any element of it) in such manner and to such extent as is necessary to inform all properly interested and affected parties of the status of the selection decision previously published and the resulting position as to selection.

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