

## 16. Right of Appeal and procedure upon dealing with a Notice of Appeal

- 16.1 All Appeals from Divisional [where appropriate] or Regional forums shall be heard by an Appeal Panel formed from the National Discipline and Appeals Panel by the Equity Manager or Operations Manager who shall appoint the Chairman of the Panel.

*It should be noted that appeals from club or Division to Association should where practicable, follow the procedures outlined below and the Secretary of the Divisional or Association Appeal Body should carry out the tasks outlined below in relation to the Equity Manager and / or Operations Manager.*

- 16.2 There shall be the right of appeal to an Appeal Panel constituted from the National Discipline & Appeals Panel as set out in Regulation 17 below, by the Respondent against any sentencing decision of a Divisional [where appropriate] or Regional Association Disciplinary Panel, provided always that a notice of appeal setting out the detailed grounds of appeal and supporting documents, is lodged with the Equity Manager or Operations Manager within 21 days of the date upon which written reasons were given by the Chairman of the original Discipline Panel, Secretary, Equity Manager or Operations Manager [see paragraph 15.1].
- 16.3 This right of appeal extends only in the first instance to the scrutiny by the Chairman of the Appeal Panel regarding 'allowing the appeal'. The Chairman's decision shall be final.
- 16.4 The Notice of Appeal may be submitted or alternatively, a letter may be sent directly to The Equity Manager or Operations Manager outlining all that is requested within the Notice of Appeal.
- 16.5 On receipt of a Notice of Appeal, the fee and the supporting documents, the Equity Manager, Operations Manager, or Secretary shall send a copy of the Notice of Appeal and the supporting documents to the Chairman of the Appeals Panel. [see paragraph 16.3 above]. The Secretary shall also notify the Complainant / Disciplinary Officer that a Notice of Appeal has been lodged.
- 16.6 Unless the appointed Chairman of the Appeal Panel decides otherwise [which will only happen in exceptional circumstances] any sanction imposed by the Disciplinary Panel will continue to apply and will not be suspended as a consequence of the Appeal.
- 16.7 The Equity Manager or Operations Manager shall notify the parties of the procedure to be followed leading up to the Appeal Panel hearing. This can be achieved by the provision of these procedures.
- 16.8 If the Appeal is 'allowed' by the Chairman [as at paragraph 16.3], a Notice of Appeal Hearing shall be sent to the appellant together with the names of the three individuals who shall hear the matter, This Notice will identify the Chairman of the Panel, and will inform the Respondent that he will have 7 days from the receipt of the Notice of Appeal Hearing within which to lodge with the Equity Manager or Operations Manager any objection to any member of the Disciplinary Panel stating the grounds for any objection. The Equity Manager or Operations Manager shall forward any objections to the Chairman of the Appeals Panel who shall consider them.

*If in the opinion of the Chairman of the Panel, the grounds for objection to any member of such panel are frivolous, unfounded or ill-informed, the Chairman shall reject such grounds. His decision shall be final albeit he shall identify his grounds for rejection when*

*requested. This process shall not prolong the time scales outlined within these procedures.*

*It should be clearly understood that all members of the National Discipline and Appeals Panel are deemed to be unbiased, fair and fully conversant with the principles of natural justice unless it is proved to the contrary.*

*Furthermore, it is not automatically accepted that association through areas of ABAE business is necessarily a bar to service on Panels.*

*The issue of 'bias' within Sports Governing Bodies is sometimes difficult to guarantee in the sense that within most sports there will be a network of relationships that mean that many people will have some form of association or connection with or knowledge of the affairs of other members of the organisation that may make it difficult to find a panel were no such connection exists. In all cases, common sense should prevail and bias should not be assumed as a matter of course.*

- 16.9 The decision of the Chairman of the Appeals Panel shall be final except where an objection relates to the Chairman of the Appeals Panel himself, whereupon the Secretary, Equity Manager or Operations Manager shall forward to another senior member of the Appropriate Authority [CEO, Chairman of Board, Association Committee or Boxing Council] who has not been objected to for his deliberation and decision.

*The decision of this adjudicator shall be final.*

- 16.10 The Appeal Panel shall be made up of 3 members. At Regional Association level it is recommended but not mandatory to appoint at least one member of the Panel who is a trained member of the National Discipline and Appeals Panel.

The Chairman of the Panel or other designated officer of the Appropriate Authority shall appoint the Disciplinary Officer [if this is not to be the Complainant].

- 16.11 At Regional Association level if not a member of the Appeal Panel, a trained Discipline and Appeals officer or a nominated [trained] deputy should be in attendance as an advisor. If acting in the capacity of 'advisor', the Discipline and Appeals Officer may be required to attend a further 'Appeal' hearing and must remain professionally neutral at the lower level [Regional Association].
- 16.12 Members of the Disciplinary Panel shall so far as possible have no connection with the Appellant or the Complainant, they shall not be involved in the matters complained of and shall be unbiased. [see paragraph 16.8 above]