

Protest and Appeals Policy

Version History

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

These procedures were submitted to the Board of Triathlon Ireland on 06/06/2024 and approved by the Board. All previous procedures are superseded by this

version.

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 Triathlon Ireland website. 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

Subject and Timelines of a Protest

A protest can be made against the conduct of an athlete, Technical Official, or the conditions of the competition. A complete list of subjects of a protest are outlined in the World Triathlon Competition Rules Chapter 12. Protests will not be accepted unless initiated and lodged in accordance with the relevant timeline. The most common protest subjects and timelines can be found below:

- **Eligibility of an Athlete**
 - announced to the Race Referee before the Athletes' Briefing and within a further fifteen (15) minutes a protest form must be submitted. Jury will meet immediately after the Briefing, or as soon as practicable afterwards.
- **Conditions of the Field of Play**
 - except when a competition cannot be held in the original format due to a force majeure event.
 - announced to the Race Referee no later than 2 hours before the race and within a further fifteen (15) minutes a protest form must be submitted.
- **Conduct of another Individual (athlete, Technical Official, Coach, etc.)**
 - announced to the Race Referee within 15 minutes of the protester's finish time and within a further thirty (30) minutes a protest form must be submitted.
- **Decisions made by the Race Referee**
 - a drafting violation or a time penalty that has already been served is not eligible to protest. A protest received for a disqualification for not serving a

time penalty (excluding a drafting time penalty) will be considered based on the infringement, which resulted on the time penalty and not the disqualification itself;

- announced to the Race Referee within 15 minutes of the protester's finish time and within a further thirty (30) minutes a protest form must be submitted.
- **Equipment**
 - announced to the Race Referee within 15 minutes of the protester's finish time and within a further thirty (30) minutes a protest form must be submitted.
- **Timing and Results**
 - errors in results which do not reflect decisions made by the Race Referee or Competition Jury must be submitted by email to appeals@triathlonireland.com within thirty (30) days of the competition

Protest Fee

Protests must be accompanied by a deposit of €40 in cash and will be refunded if the protest is successful.

Protest Process

The following procedure will be followed in the event of a protest at a Triathlon Ireland sanctioned event:

- 1) Protests will be announced and filed with the Race Referee within the time limits specified.
- 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 for the hearing. If the protester does not attend, the hearing may be postponed or cancelled. The competition Jury will determine if absence is valid and the Competition Jury may make a decision without them.
- 4) A representative for all parties may be designated to appear if approved by the Chair of the Competition Jury.
- 5) The hearing will not be open to the public and should be conducted in a pre-selected, suitable space. The hearing may be held virtually.
- 6) The Competition Jury Chair will explain the process and everyone's rights and will read the protest.
- 7) All parties involved will be given adequate time to give their accounts of the incident.
- 8) Witnesses (up to two each) may speak for up to three (3) minutes each.
- 9) The Competition Jury will hear the evidence and render a decision by simple majority.
- 10) The decision will be posted immediately and delivered in writing to the parties upon request.
- 11) The Competition Jury will produce minutes of the meeting, including the Competition Jury's decision, which must be approved by all members of the jury, by the end of the meeting. The minutes will be submitted to Triathlon Ireland within 24 hours of the meeting by email to appeals@triathlonireland.com

Competition Jury

Competition Jury Composition

Competition Juries for Triathlon Ireland sanctioned events will be appointed by the Technical Delegate of the event or the Technical Program Executive if the Technical Delegate is unable. The Technical Delegate for each event is required to chair the Competition Jury and confirm eligibility of each individual on the jury.

Members of the Competition Jury eligible to be appointed are as follows:

- 1) For all National Championship or National Series events, the Competition Jury consists of three (3) people. The Technical Delegate is required to chair the Competition Jury, and the remaining 2 members may be selected from:
 - Member(s) of the TI Board or Staff
 - Member(s) of the Triathlon Ireland Technical Committee
 - National Technical Officials
 - World Triathlon L1/L2/L3 OfficialsAll individuals asked to participate must be members of TI and must have completed the Competition Jury online training module available on the World Triathlon Education & Knowledge Hub. The completion certificate from World Triathlon must be uploaded to their TI account and remains valid until the end of the next calendar year.
If a jury cannot be formed from the above, the Technical Delegate may source or ask the Race Organiser to nominate suitable volunteers to assist with jury duties.
- 2) For all other Triathlon Ireland events, the Competition Jury consists of three (3) people. The Technical Delegate is required to chair the Competition Jury

and must source suitable volunteers in advance of, or at the event.

- 3) Those ineligible to participate in a Competition Jury are:
 - An accredited coach or athlete in the same event
 - Any individual with a conflict of interest

The Chair of the Competition Jury decides if any member has a conflict of interest and appoints a replacement at his/her discretion subject to the requirements above. The Chair of the Competition Jury is deemed not to have a conflict of interest.

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

Competition Jury Duties

The Competition Jury decides on all protests made to it which are in compliance with the relevant timeline and may modify the competition results, other than removing the time of a penalty, as a consequence of its decision on the protest. The Chair of the Competition Jury must file a written statement on all appeals and decisions reached to appeals@triathlonireland.com within 24 hours of completion of jury deliberations.

Competition Jury Meeting

The Competition Jury will meet as determined by the Chair. The Competition Jury may meet in person, or online in a virtual meeting, or in a combination of in person and online, as determined by the Chair.

Competition Jury Integrity

The Competition Jury must observe the following principles:

- Consider all submissions and expert opinions made to it
- Recognise 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
- Decisions to uphold or impose a penalty shall be based upon the standard of a comfortable satisfaction of the majority of the Competition Jury members that the alleged violation has occurred

Appeals

Level 2 Appeal

Decisions from any Competition Jury may be appealed to the Triathlon Ireland Arbitration Tribunal.

A Level 2 appeal will only be considered valid if it is against incorrect application of the protest policy by the Competition Jury and/or incorrect application of the Triathlon Ireland or World Triathlon rules. Field of play decisions are not eligible for appeal.

The following procedure will be followed for a Level 2 appeal:

- 1) Appeals must be submitted up to thirty (30) days after the Competition Jury decision
- 2) Appeals will be submitted in writing to the Triathlon Ireland appeals manager and will be accompanied by a deposit of €300. This will only be refunded if the appeal is successful.
- 3) A representative 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
- 4) The appeal hearing will not be open to the public. The Arbitration Tribunal Chair will explain the process and everyone's rights then read the appeal.
- 5) All parties involved will be given adequate time to give their accounts of the incident or to have their written account read into record.
- 6) Witnesses (up to two each) may speak for up to three (3) minutes each. The Arbitration Tribunal will hear the evidence and render a decision by simple majority.
- 7) The decision will be posted immediately and delivered in writing to the parties involved upon request.
- 8) The Arbitration Tribunal will produce minutes of the meeting which must be approved by all members of the Arbitration Tribunal and will be submitted to Triathlon Ireland within 24 hours of the meeting.
- 9) The revised results (if any) will be announced, published, and the athletes informed.

Triathlon Ireland Arbitration Tribunal Panel Composition

The Triathlon Ireland Arbitration Tribunal will meet within seven (7) days of the receipt of a valid Level 2 Appeal and consists of three (3) members selected from the following:

- 1) Member of the TI Board (as Chair)
- 2) Member of the Triathlon Ireland Technical Committee
- 3) Member of the Triathlon Ireland Staff (selected by CEO)

The panel may not consist of a jury member from the original protest if applicable.

Level 3 Appeal

The decision of the Triathlon Ireland Arbitration Tribunal may be appealed, as a final and last resort, to *Just Sport Ireland*, to the exclusion of any recourse to ordinary courts, within thirty (30) days of the decision of the Triathlon Ireland Arbitration Tribunal.

Any decision taken by the said dispute resolution panel shall be without appeal and shall be binding on the parties concerned.