

## Protest Procedures (Form PR 2)

**This document details the steps needed to ensure protests follow a uniform and fair process as outlined in GR 6.15.**

- GR 6.15 All protests regarding irregularities of a Meet shall be submitted in writing unless directed otherwise by the Meet Director and shall:
- GR 6.15.1 if prior to the meet, be forwarded to the Meet Director;
  - GR 6.15.2 if during the meet, be forwarded to the Meet Director for attention by the Referee;
  - GR 6.15.3 be lodged within 30 minutes of the results being posted for the event. The time of posting must be written on the result sheet;
  - GR 6.15.4 in exceptional circumstances, grounds for protest may arise subsequent to the meet. The protest must then be forwarded to the Branch Executive within 48 hours of the official results of the meet becoming available.

If a protest is lodged with the Meet Director for consideration by the Meet Referee<sup>2</sup>, it must be lodged within 30 minutes of the posting of the results, in writing, and accompanied by the required protest fee if such has been advertised. **The Meet Referee must check that the time of posting is being written on the Result Sheet as they are posted.**

The protest must be considered by the Meet Referee<sup>2</sup>. If the Meet Referee was the reporting official or the Event Referee<sup>1</sup>, they shall appoint a Referee with no vested interest in the outcome of the protest to act in their place.

The Meet Referee or their substitute shall then:

1. Discuss the protest with the Event Referee, the official who reported the infraction and any other Judges of Stroke or Inspectors of Turns who may have observed the infraction.
2. Consult the current copy of the Rules for the precise wording of the infraction. If a copy of the Rules is not available, the protest shall be upheld.
3. View any evidence that has been submitted.
4. Determine whether the protest is to be upheld or dismissed. If the Meet Referee believes the swimmer has been wrongfully disqualified, he/she must overrule the disqualification, that is, uphold the protest.
5. Respond to the complainant in writing, either upholding the protest (in which case you refund any fee that has been paid), or dismissing the protest (in which case you must state your reasons in writing). Be explicit with your wording and as close as possible to the Rule wording. **Keep a copy of your response.**
6. Advise the complainant they have the right to have your decision considered by a Jury of Appeal.

If the swimmer elects to take the matter to a Jury of Appeal, the Meet Referee shall advise the Chief Recorder, who shall hold the publication of the results until the matter is finalised by the Jury.

### **Jury of Appeal<sup>3</sup>:**

The Jury of Appeal is appointed by the body that sanctioned the Meet. It should consist of at least three people, who have knowledge of the rules and have no vested interest in the outcome of the protest. The Rules do not spell out how the Jury of Appeal should reach its decision, however, the following procedure will standardise the handling of the matter.

A Chairman should be appointed to conduct the hearing.

A set of current Rules must be available for the Jury to consider the rules as they are written. The procedure to be followed should be:

1. The Chairman of the Jury is advised by the Meet Referee of the protest, and is handed all of the paperwork, i.e. the Infraction Report, the Protest document and the Referee's response.
2. The Jury should be convened and should read the documents. They should view any evidence presented. This is done in the spirit of natural justice to help arrive at the correct decision.
3. They should determine whether there are any grounds for a protest. If not, they should advise the protestor and dismiss the complaint.
4. If there are grounds or the Jury wishes to hear more information, they should call the protestor and his advisor, together with the officials who are involved, into a discussion.
5. The reporting official should be asked to explain the infringement as it was observed by him.
6. The competitor should be allowed to ask questions, as should the Jury, to clarify matters in their minds.
7. If required, the Meet Referee shall explain the reasons for the dismissal of the protest in the first instance.
8. The Jury shall consider the matter (in private), in accordance with the Rules and give their decision, with an explanation of the reasons, in writing.
9. The Meet Referee should be advised of the decision and this shall be passed on to the Chief Recorder who shall take any necessary actions on the results.
10. The protestor shall be advised by the Chairman of the Jury of the decision.

**This ends the matter, no further action is possible.**

- Footnotes:**
- <sup>1</sup> The Event Referee has control of the event in progress
  - <sup>2</sup> The Meet Referee has full control and authority over the conduct of the Meet
  - <sup>3</sup> See GR 11.26 for the composition of the Jury of Appeal at nationally sanctioned meets.

**Branches are advised to maintain a list of persons who are qualified to sit on Juries of Appeal.**