

## Jury of Appeal Procedures and Responsibilities

### Part 2 – Jury of Appeal Members

Produced by the  
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and  
World Archery Judges Committee

Upholding the rights of the competitors and their team officials is one of the most important requirements at any World Archery event. It would be very unfortunate if the actions of another competitor, a Judge, or a member of the Organising Committee unfairly affect the performance or score of a competitor. Accordingly, World Archery's Rules provide for a Jury of Appeal to handle disputes at the competition to protect everyone's rights.

This is Part 2 of two articles which discuss Jury of Appeal matters. Part 1 is for tournament organisers. This Article is directed to members of the Jury to help them understand their rights and responsibilities.

#### **Appointment of the Jury of Appeal**

Serving as a member or an alternate of a Jury is an important activity with great responsibilities. Your appointment is a high honour indicating that the body which appointed you considers you to be impartial, knowledgeable about the Rules, and well respected.

There are situations where you should decline serving on the Jury or, at least, decline deliberating on a particular case. You should not serve if there is any reasonable possibility that a party to the dispute or the public might think that you may favour one party even though you might actually be impartial in practice. For example, if because of a perceived relationship between you and a party to a dispute there is a reasonable possibility that someone could even question your impartiality, an alternate juror should be appointed. The issue is not whether or not there is an actual conflict of interest, but rather whether or not a reasonable person could even suspect that there could be a conflict of interest.

You must inform the Chair of the Jury of Appeals or the Organising Committee if you know of any reason why you should not serve. This may include you having other responsibilities which may interfere with you serving on the Jury or if you cannot be on or near the field while you are on duty.

#### **Jury Preparedness**

The Chair of the Judges Commission or the Chair of the Jury should coordinate with the Jury members regarding when each Juror will be on duty during the competition, which includes official practice, as well when alternates are to be on call if needed. Since it is likely that Jury members may not be available at all times during the competition, alternates and the order in which they may be called to serve should be determined. The Jury members and alternates for that session must be at present at or near the competition field at all times while they are on duty and should have radios or other electronic means to permit them to be reached quickly. If

for any reason, a juror or an alternate must leave the venue, he or she must notify the Chairman of the Jury or the COJ. Each juror and alternate should provide to each other, the Organising Committee and the COJ his or her contact information and should at all times during the event (whether or not the juror is on duty or call) be able to be reached either by phone, radio or e-mail.

### **Appeals Procedures**

Appeals against rulings by the judges must be presented, in writing, by the Team Captains, or by the athlete if no Team Captain has been designated. Notice of intent to protest shall be delivered to the COJ within the prescribed time limit due for the respective stage of competition. The protest to the Jury of Appeal must be made in writing in English, and preferably on the appropriate World Archery Jury of Appeal Form, which will then be handed to the Chairperson of Judges along with the prescribed fee. The World Archery Jury of Appeal Form follows this report. Use of the World Archery Jury of Appeal Form, while suggested, is not mandatory.

When an appeal might affect the progression of an athlete from one stage of the competition to the next, the intention to appeal must be delivered within 5 minutes of end of the relevant round or match, whichever comes first. During the Finals of match play rounds, the notice of intent to file an appeal must be given within 5 minutes of the end of the match, or prior to the start of the next match whichever is earlier. The written appeal must be lodged with the Jury within 15 minutes of the end of the relevant round or match whichever comes first.

The COJ will advise the following that an appeal has been filed as well as the nature of the appeal:

- (1) Technical Delegate
- (2) Chairperson of the Jury of Appeal
- (3) The Team Captains

The Jury must be assembled as soon as possible. As soon as the Jury has assembled, they must do the following in this order:

- (a) Read and clearly understand the appeal.
- (b) Research the Rule Book so that they have at their disposal all information and references that could affect the issue.
- (c) Decide from the content of the appeal which witnesses should be called.

Witnesses should be called in the following rotation:

- (a) The protesting party, accompanied by the Team Captain if requested.
- (b) Other individuals who may have directly witnessed the alleged occurrence. It is very important not to listen to "hearsay", i.e. what someone else told them.
- (c) The Judge, official or other person named or blamed in the appeal. The COJ may be requested to give evidence if the action of the Judge reflected an established and detailed procedure.



If requested by the Judge, the COJ should accompany the Judge to the Jury, and depending on the circumstances may make a submission to the Jury.

The Chairperson of the Jury should make every effort to relax all the witnesses. This can be done by clearly stating at the onset that the Jury requires a simple statement of the event in question as they personally witnessed it. The witnesses should be advised that the primary purpose of the Jury is to protect, where possible, the rights and scores of all involved.

Once all witnesses have been called and recalled if necessary, the Jury must review the case and the Rules and discuss the appeal. Jury members should base their decision on written information and testimony which is presented to the Jury. The Jury members should not normally base their decisions on their own observations at the event which have not been presented by a party to the appeal or a witness since the Jury member may not have witnessed all activities which may be relevant. Further, a Jury member should not base his or her decision on comments made by third parties who are not witnesses testifying to the Jury.

The decision will preferably be unanimous but, where necessary, the majority decision of the Jury members will prevail. The Jury should issue a written statement containing its findings and judgment.

The authorised decision will be distributed immediately to the person who filed the appeal, the other parties involved in the appeal, the COJ and the Organising Committee before the beginning of the next stage of the competition or before the awarding of the prizes. The Technical Delegate will assist the World Archery Press Officer to complete the text of the Jury of Appeal's decision to be announced to the public, taking into account that the explanation should be easily understood and without the use of technical words to the extent possible.

### **The Purpose of the Jury**

The Jury of Appeal is to ensure the spirit of fairness in the competition and a fair application of the Rules. The Jury protects the competitors' rights as well as the Judge who has done the job responsibly.

A particular Jury decision is not legal precedent which is binding on future Juries of Appeal. Accordingly, a Jury should not consider what may have been done by prior Juries. There are several reasons for this. First, a decision of a particular Jury is based on the unique facts and circumstances of that case which may not be known to other Juries. Secondly, decisions must be prepared quickly at the venue by people who are not trained to write legal decisions. The decision issued by a Jury of Appeal is usually less than one page and is not similar to the typical lengthy opinion that a reviewing court of law issues which may be binding in future cases. Finally, as a practical standpoint, a Jury would most likely not have the ability to research prior Jury decisions before determining the outcome of a case.

It is important that the Rules be followed regardless of any personal opinion by one or more of the Jury members as to the merits of the Rules. The expectation that the Rules will be followed is a fundamental requirement of organised sport. The Jury, however, must take into account all facts and circumstances in considering how to apply the Rules to particular case.

While each case is unique, there are some guiding principles to keep in mind:

- (i) The Jury should be careful not to deny an athlete any points unless there is specific authority to do so in the Rule Book.
- (ii) If an occurrence is alleged which would permit denying points if proved, any uncertainty should be decided in favour of the athlete.
- (iii) If an athlete does not shoot an arrow during the permitted time due to error by an official or safety issues, the athlete should be permitted time to shoot the arrow.

It is possible that different Rules may support different possible outcomes in a particular case. The person filing the complaint may point to one Rule to support his or her position while the person responding to the complaint may believe that another Rule should control. It may seem that both Rules apply but lead to different results. Accordingly, the Jury must not blindly apply a particular Rule which may at first seem to apply without considering if the facts and circumstances are such that applying that Rule is fair. A Jury should always consider what is the purpose of a particular Rule when deciding how that Rule should apply in a particular situation.

### **Conclusion**

Since Jury of Appeal decisions are final and not appealable and can be significant in any competition, serving on a Jury is a great responsibility and service to the archery community. A Jury must ensure that given all of the facts and circumstances and considering the application and purpose of the Rules, its decision is fair to all involved and is consistent with the highest objectives of Olympic sport.