



Appeals Committee Terms of Reference

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Introduction

In accordance with the statutes for the Chartered Institute for the Management of Sport and Physical Activity (CIMSPA), the appeals committee will exercise powers on behalf of CIMSPA and the board of trustees under the following terms of reference.

Purpose

The purpose of the appeals committee is to review appeals raised through CIMSPA's formal process, determining whether the grounds for appeal outlined in CIMSPA's appeal policy have been met and issue appropriate outcomes. The appeals committee terms of reference are agreed by the CIMSPA board who delegate authority to the appeals committee and subsequent panel to undertake work relating to the hearing of and provision of a decision on appeals that have arisen from decisions made by CIMSPA's membership committee, disciplinary committee, or have been escalated through the CIMSPA appeals process. The appeals committee have no executive powers other than those specifically delegated in these terms of reference.

Scope

The appeals committee are responsible for:

- Reviewing formal appeals arising from decisions made by CIMPSA in relation to a member or partner.
- Ensuring that a fair, effective and consistent method of dealing with appeals are achieved in relation to:
 - Applications for chartered membership
 - Sanctions applied through disciplinary proceedings
- Appointing members from the committee to act as an appeals panel
- The scope of the committee also includes:
- Operating with strong moral principles, honesty and decency
- Representing the best interest of the chartered institute

Roles and Responsibilities

The appeals committee and subsequent appeals panel role is to:

- Convene a panel to hear an appeal that CIMSPA executive investigation concludes has sufficient grounds to make an appeal.
- Consider the points and evidence raised through the investigation and base their conclusion on the following (but not limited to) mitigating circumstances:
 - A procedural defect
 - Failure to follow due process
 - Insufficient weighting of a sanction or decision made
- Serve as the final decision-making body for every appeal and confirm the following:

- Confirm a decision made by the membership committee and disciplinary panel where it concludes the original decision is correct.
- Overturn a decision made by the membership committee or disciplinary panel where it concludes that the original decision was incorrect.
- Substitute with its own decision any decision made by the membership committee, or disciplinary panel it is required to overturn.
- Provide confirmation of the results of the appeals panel to the following:
 - Member/partner
 - Membership/disciplinary committee
 - CIMSPA executive
- Provide appropriate feedback to support decisions made by appeals panels to all relevant stakeholders.

The appeals committee are responsible to the board of trustees for:

- Appointing a panel from the members of the committee to hear appeals investigations when required.
- Clearly and effectively communicating to the members and partners throughout the appeals panel proceedings, including the panels conclusions and decisions.
- Adhering to the guidance and criteria issued by the membership committee and disciplinary committee, which will enable them to fairly and consistently proportion their substitute decisions where required.
- Reviewing and providing feedback into the standardisation of decisions made, including chartered membership applications and disciplinary or performance sanctions imposed.
- Providing recommendations to the membership and disciplinary committees for changes required based on the outcomes of the appeals process.
- Reviewing appeals policies and procedures and make recommendations, where appropriate to the investigation and appeals process, CIMSPA executive and to appeals panels when required.
- Reviewing the performance of the appeals committee.
- Completing an annual review of all appeals committee/panel activities and share with the CIMSPA board of trustees.

Membership

CIMSPA's board of trustees aim to ensure that fellow trustees, committee members and CIMSPA's employees are representative of all sections of society that they serve. CIMSPA welcomes and embraces the different perspectives, backgrounds, and cultures individuals bring to the organisation and is committed to ensuring its operation reflects this, through inclusive practices that positively promote respect, equal opportunities for all and dignity.

The appeals committee and subsequent appeals panels will be made up of:

- One independent board trustee acting in a chairing capacity
- Two volunteer non-executive CIMSPA board trustees (excluding those who hold a place on the membership or disciplinary committee).
- One member of CIMSPA's executive team (this is excluding CIMSPA's CEO), in a non-voting capacity.

Appeals panels will exclude the CIMSPA CEO and board of trustees' chair, as the CEO and chair will act as the final escalation point for any appeals cases heard by the appeals panel that had:

- A procedural defect
- Failed to follow due process
- Insufficient weighting of a sanction or decision made.

Where reasonably practicable, eligible CIMSPA board trustees must accommodate requests from the appeals committee to act on the appeals panel.

Tenure and Elapse

CIMSPA board trustees are able to serve on the appeals committee and subsequent panels at any point during their current tenure which they are serving for their current board role.

Once a committee member has completed their maximum term, at least four years must elapse before they are eligible to stand as a member on any committee for CIMSPA.

Quorum

The quorum necessary for the transaction of business shall be three members for both committee and panel meetings.

Appeals panels, where required, will issue the final decision regarding the appeal and any changes that may need to be made. The final decision will be achieved through the panel's majority verdict.

Meetings

The appeals committee shall meet once per year, with additional meetings scheduled on a demand led basis. Where it is not possible or practicable to hold these meetings at SportPark, Loughborough, meetings will be facilitated via electronic means.

Additional meetings may include:

- Appeals panel meetings, which will be held at SportPark, Loughborough, unless CIMSPA grants the request of the party lodging the appeal, for a change of location. As this panel will be convened in an ad-hoc basis, electronic mechanisms of meeting will be considered.
- Appeals committee training days.

A minimum of 21 days written notice shall be given to every member of each committee meeting.

Notice given may be shorter for adhoc panel meetings due to appeal investigation timelines.

Papers for the committee meeting will be circulated not less than five working days before each meeting.

The minutes of each appeals committee meeting shall be made available to the committee at the earliest convenience.

The chair of the appeals committee will report to the Board following each committee meeting on its duties and responsibilities.

These roles are voluntary, and expenses will be met, should a committee member be unable to find a sponsor to support their attendance.

Additional Information

The chair of the appeals committee will be chosen by the board of trustees.

If the chair is unable to attend or is not present at the start of a meeting, the meeting shall elect a chair from the remaining members for the duration of the meeting.

The chair of the appeals committee will appoint members to the appeals panel based on the requirements highlighted above, whilst ensuring conflicts of interest are managed and independence and integrity are maintained throughout the process.

Only members of the committee have the right to attend committee meetings. However, CIMSPA executive staff may be invited to attend meetings of the committee on a regular basis and other non-members may be invited by the chair to attend all or part of any meeting or panels as and when appropriate and necessary.

Outside of the formal meeting programme, the committee chair, will maintain a dialogue with key individuals involved in the company's governance, including the board chairman, the chief executive, and the Director of Strategy.

CIMSPA's executive staff will provide secretariat to the committee meetings and will record all minutes of meetings, actions, decisions made and changes to policy and procedures on behalf of the committee and panel. The chair of the committee will review draft documents and approve for circulation to the committee members and public facing copies (where applicable).

The member or the partner lodging the appeal, will reserve the right to further escalate their appeal to CIMSPA's CEO and board of trustees' chair, if a procedural defect, failure to follow due process or insufficient weighting of a sanction or decision made by the appeals panel can be evidenced. The CEO and board of trustees' chair will be joined by a board member who has not been involved in the appeals case, to make up a final panel of three members. The final decision will be achieved through the panel's majority verdict.

Review

The appeals committee terms of reference will be reviewed by the board of trustees in February 2024 unless changes in policy, governance or other circumstances require a review prior to this date. They will then be reviewed biennially in accordance with the board's annual plan.