

Cover Page

<p>If the organisation has a filing or identification system, include that on the cover page</p>	<p>→ Case Number:</p>	<p>Name of Organisation</p>	<p>← The name of the organisation hearing the appeal</p>
<p>Identify the type of proceeding</p>	<p>In the matter of an arbitration between:</p>	<p>PARTY A (APPELLANT)</p>	<p>← List all of the parties, identifying the appellant, respondent and all affected parties should it be applicable</p>
		<p>V.</p>	
		<p>PARTY B (RESPONDENT)</p>	
		<p>-AND-</p>	
		<p>PARTY C (AFFECTED PARTY)</p>	
<p>Include the document name</p>	<p>→ INTERNAL APPEAL PANEL AWARD (or any other type of award)</p>		
	<p>Panel Members: (Insert your name(s))</p>		<p>← List all panel members hearing the appeal</p>
<p>Should the parties have representation, the information should be listed here</p>	<p>Appearing (if applicable) :</p>	<p>(insert name here) (insert name here) (insert name here)</p>	
	<p>→ For the Appellant :</p>		
	<p>For the Respondent:</p>		
	<p>For the Affected Party :</p>		
<p>Include the date on which the document was communicated to the parties</p>	<p>→ Date : (Insert date of decision)</p>		

NOTE : This document is provided for information purposes only and is not intended as legal advice.

Introduction

The introduction provides a brief description of the issue(s) in dispute and an overview of the facts and circumstances that led to the appeal. The intent of this section is to serve as a summary, and therefore it is preferable to avoid excessive details such as dates, times and places.

This section may also include:

- a brief description of who the parties are and their mutual relationship;
- a statement confirming that the panel was established according to applicable rules and has authority to hear the matter;
- any steps or measures that may have been taken to resolve the issue prior to the appeal hearing;
- information regarding any preliminary meetings that may have taken place.

Depending on the complexity of the case, any procedural matter that requires a more thorough description could become the object of its own section, rather than forming part of the introduction. If any preliminary ruling(s) or procedural order(s) were made by the panel regarding, for example, the panel's jurisdiction, its scope of authority, the identification of affected parties, or other procedural matters, these can be elaborated upon separately from the introduction.

Background and Facts

This section usually describes, in much more detail than in the introduction, the facts and circumstances that are essential for the reader to understand the issue(s) in dispute. If the type of information allows for it, the facts could be presented in point form and in chronological order of significant events. Providing a summary of the decision that is being appealed can also be useful to put the reader into context.

It is in this section that you can highlight what facts the panel has accepted as being true. Your acceptance of a fact could be based, for example, on a statement of agreed facts filed jointly by the parties or on a party having established, to your satisfaction, a fact that has not been contested by another party.

When a fact is disputed (when the parties do not agree on what really occurred, when it happened, who was there, etc.), your decision to accept a fact will depend on whether, after considering all sides of the matter and your assessment of the credibility of the evidence, this fact is established to your satisfaction according to the applicable level of proof (e.g. balance of probabilities).

This section will serve to establish, for the sake of parties, the factual evidence on the basis of which your decision will be made. Being thorough in this exercise will help the reader follow the logic of your analysis and better understanding your decision.

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Issues

Parties' Positions

Although the introduction may have clearly identified the parties who are involved in the appeal, this section would elaborate on their respective stands by providing a more detailed description of the various elements on which the parties disagree. Summarizing or even quoting the statements or opinions expressed by the parties in written or oral submissions can prove an effective strategy to reduce the risk of parties feeling misinterpreted or misunderstood.

This section does not necessarily establish proven facts, so the language used in describing the parties' positions can reflect that. Examples of verbs that can help report this include, among others: the party... acknowledges, advances, alleges, argues, asserts, believes, claims, contends, declares, defends, denies, disputes, invokes, maintains, pretends, purports, refutes, submits, thinks, upholds, etc.

It is in this section that you can report on each party's opinion(s) on what the panel's ruling should be. In essence, there is no requirement for the panel to agree with the parties' statements or opinions reported in this section. However, describing the parties' positions accurately is an effective way to demonstrate that the panel did pay attention to the parties' submissions, even though in the end they may not have adopted them.

If overwhelmed with abusive or irrelevant submissions, you may have to filter and decide which aspects of a party's positions you will include in this section. However it is best practice to not leave out anything that will become significant in your analysis. It is important to be thorough to reassure the parties that you have heard them and have considered their viewpoints.

Applicable Rules

It is important for the parties to know which rules are significant to their case. This is where you are able to quote provisions (rules, policies, criteria, bylaws, agreements, etc.) that are applicable to the dispute.

For example in a dispute over a disciplinary sanction, the following texts could be referenced as applicable:

- the **code of conduct** which may provide the norms for acceptable or prohibited behaviors and the sanctions for breaches;
- the **terms of reference of the discipline committee** which may establish the committee's membership, mandate and responsibilities;
- and/or the **appeals policy**, which may describe the admissible grounds for an appeal, the process to be followed by the appeal panel, the scope of authority of the panel, or any further remedy available to parties.

Discussion and Analysis

You would now have accounted for all the pieces of the puzzle; you have even assembled the contour and possibly even pieced together some key areas. One of the harder tasks still lies ahead: clearly linking the evidence with the applicable rules, to enable you to either accept or reject the parties' positions stated in the previous section. A sound analysis, taking into account all relevant facts, mindful of the applicable rules, and considerate of the parties' respective positions is one of the best ways to put this dispute to rest and satisfy the parties that you have heard them and that you have conducted a fair and unbiased appeal process.

Although several issues may have come up during the appeal process, you may have to decide to report only on those of significance for the reader to understand your reasoning and decision.

Writing the discussion and analysis will help guide you naturally towards your final decision, by providing you with a clear and logical path to explain to the reader your thought process, you're reasoning for accepting or rejecting the parties' positions.

Ultimately, this section is where the losing party would find proper justification for your ruling. And most importantly, a well-reasoned decision is an effective way to demonstrate to a revising or appellate authority that you have considered all relevant issues.

Conclusion or Decision

This conclusion is meant to be short and to the point, to precisely state the final decision. A simple statement on the position of the panel should suffice, for example: "For all previously stated reasons, we (I) decide and order as follows: The appeal is (denied or granted)". If the decision was well written, further justification is not necessary at this stage.

How to Implement the Decision

Parties may appreciate or require specific instructions or clarifications as to how to implement the decision. This can take the form a declaration about what needs to occur as a result of your decision.

For example: "Party A shall be reinstated by Party B as a member in good standing"; or "The decision rendered on July 5 by the team selection committee of Party B is hereby upheld"; or "Party B shall be named to the national team".