RESPONSIBLE MINERALS ASSURANCE PROCESS

Appeals Procedure

Purpose
Provide a procedure for receiving, evaluating and deciding on appeals of decisions taken by the Responsible Minerals Initiative (RMI) and its Audit Review Committee, including all Responsible Minerals Assurance Process (RMAP) determinations. This document details the procedure to be followed by the RMI and the Appellant in the event of an appeal lodged against the RMI.

General Requirements
- Only the entity that was subject to the adverse decision is eligible to lodge an appeal.\(^1\)
- The appeal shall not suspend the validity of the decision which is being appealed, unless otherwise decided by the Appeals Panel.
- The QPM shall ensure that all provisions of this procedure are followed without prejudice and shall not interfere in the proceedings and decision making of the Appeals Panel.
- In extraordinary cases the QPM may extend any timelines indicated in this procedure. All Parties shall be notified accordingly.
- All incoming and outgoing correspondence, including the final decisions and follow-up actions, shall be written in English and filed in electronic, hard copy, or both and maintained for a period of at least two (2) years.
- All Parties involved in the process shall refrain from commenting publicly on the appeal until a decision is made and all Parties are notified.
- The number of appeals for a single incident is limited to one time – the Appeals Panel decision is final.

Appeal Criteria
The types of appeals covered by this Appeal Procedure include:

- Substantive Appeals: regarding the Qualification Audit Review Committee’s (ARC) Qualification determination’s content.
- Procedural Appeals: regarding the implementation of the RMI’s protocol and procedures.

\(^1\) If a member or stakeholder is concerned about something related to the audit, they can raise the issue via the grievance and complaints mechanism.
Specific exclusions

The following fall outside the scope of this Appeals Procedure:

- Complaints regarding changes to the RMI’s protocols or supporting documents.
- Complaints that are trivial, malicious, vexatious, or appear to have been generated to gain competitive advantage.
- Complaints that are not supported by compelling, objective evidence, save for exceptional circumstances, complaints will not be investigated where they are based on hearsay alone.
- Anonymous complaints, unless they relate to a whistle-blowing situation (see above).

Appeal Procedure

All appeals are processed and documented by the QPM in an impartial manner. Impartial means that it is based on a consistent procedure that does not favor one party over another, and documented means that the decision-making process and resulting decision are written down and made available to all those who request them (i.e., a public report will document the process and outcome). The procedure is as follows:

Lodging an Appeal

An appeal shall be received within ten (10) business days after notification of the RMI decision. Appeals shall be made to the attention of the QPM. The appeal shall:

1. Contain the name and contact information of the Appellant and be signed by the legal representative of the Appellant;
2. Specify the decision that is being appealed and the grounds on which the appeal is made;
3. Be accompanied by relevant documented evidence;
4. Indicate what steps were taken to resolve the issue prior to lodging the appeal;
5. Contain an agreement to cover the costs of the appeals process, if and as allocated by the Appeals Panel;
6. Contain an agreement to adhere to the terms and provisions of this procedure.

Admission

The QPM shall acknowledge receipt of the appeal and confirm the acceptance or rejection of an appeal, based solely on compliance with the elements described above, within ten (10) business days of its receipt.

The RMAP shall only evaluate appeals that meet all the conditions indicated in Section 2) and 3), above. In the event that the appeal is not in compliance with the requirements above, the RMAP may provide a recommendation on how to correctly address it.

If the appeal is deemed inadmissible because it is not substantive or procedural, an explanation shall be provided to the Appellant in writing, and this shall be recorded in the appeals register. No further action shall be taken.
Upon receipt of a valid appeal, the QPM performs an initial review of the appeal to determine whether the appeal could be resolved without establishing an Appeals Panel, unless the Appellant expresses explicitly the wish to involve the Appeals Panel at the outset.

**Withdrawal**
Appeals may be withdrawn by the Appellant, at the Appellant’s sole discretion at any time.

**Documentation**
The QPM records the received appeal in an appeals register, including the following:

1. Date and who submitted the appeal
2. Type and issue or topic of the appeal and information submitted with the appeal
3. Determination of admission

**Appeals Panel**
An Appeals Panel shall be established on each occasion that an appeal is lodged against a decision of the RMI and the appeal is accepted by the QPM.

The QPM shall convene an Appeals Panel consisting of three (3) representatives appointed by the QPM, per below. The members of the panel shall be regarded as agents of RMI for purposes of reviewing data covered by the Agreement for the Exchange of Confidential Information (AECI).

1. One (1) representative of firms qualified to complete Qualification Audits, other than the firm that completed the appealed audit.
2. Two (2) representatives demonstrating industry knowledge, independence and impartiality.

Once established, the Appellant shall be informed of the names of the Appeals Panel members and shall be requested to confirm in writing the Appellant’s agreement with the composition of the Appeals Panel. Failure to do so shall be considered as acceptance of the composition of the Appeals Panel.

The Appellant has the right to object to the appointment of any one (1) member of the Appeals Panel. A replacement member shall be identified and appointed to the Appeals Panel by the QPM.

**Timeline**
The Appeals Panel will investigate, review and decide on the appeal or complaint within forty-five (45) business days of the determination of admission. The panel shall make every effort to complete the work by this deadline. In rare cases where additional time may be required, and it is the consensus of the panel that the additional time is necessary, then it shall notify the QPM and request a specific, limited time extension. If the panel cannot reach consensus on the need for time extension, the QPM shall review the cause for dissention and make a decision.
**Reasonable measure**
The Appeals Panel shall take reasonable measures, including the convening of one or more sessions, deemed necessary for a sound judgment. Examples of such measures include:

1. Consult experts, or
2. Request additional information from the Appellant and/or others

**Cooperation**
The lack of cooperation by the Appellant may be considered as grounds for discontinuation of the process. The Appeals Panel shall decide through consensus if an appeals process shall be discontinued.

**Determination**
The Appeals Panel shall examine the evidence substantiating the appeal and report its evaluation and final decision to the QPM. Appeal decisions shall be one of the following:

1. Reject the appeal and maintain RMI’s determination.
2. Uphold the appeal and overturn RMI’s determination.

**Decision making**
The Appeals Panel should decide on the appeal by consensus. If the Appeals Panel is not able to reach a decision by consensus it shall take a vote, with the decision being taken by simple majority. Should any member of the panel be unable to complete the decision process, such as being unwilling to vote or unresponsive to communications for three (3) days or more, the QPM shall identify and make a replacement.

**Decision format**
The written decision of the final determination of the Appeals Panel shall be signed or confirmed electronically by all members of the Appeals Panel and submitted to the QPM.

**Appeal of decision**
The appeal decision shall be documented by the QPM and communicated to the Appellate, including:

1. The appeal decision
2. How and when the appeal decision was reached
3. Any new recommendation

**Confidentiality**
The confidentiality of the complaint and complainant as well as the response shall be protected as described in the governing AECI. Other than the QPM, RMI legal counsel, Appeals Panel and ARC, no other entities associated with RMI shall be given details of the process other than the final determination. This specifically excludes providing details to RMI member companies. It does not preclude the appellant from making a disclosure to customers or other interested parties.