RESPONSIBLE MINERALS ASSURANCE PROCESS

Appeals Procedure

I. Purpose

The objective of this document is to provide a transparent procedure for receiving, evaluating and deciding on appeals of decisions taken by the Responsible Minerals Assurance Process (RMAP), including for all the RMAP conformance determinations and disagreements between auditors, auditees and / or the RMI quality control process. This document details the procedure to be followed by the RMAP and the Appellant in the event of an appeal.

II. General Requirements

a. Only the entity that was subject to the adverse decision is eligible to lodge an appeal.
b. The appeal shall not suspend the validity of the decision, which is being appealed, unless otherwise decided by the Independent Review Committee (IRC).
c. The RMAP Program Manager shall ensure that all provisions of this procedure are followed without prejudice and shall not interfere in the proceedings and decision making of the IRC.
d. In extraordinary cases the RMAP Program Manager may extend any timelines indicated in this procedure. All Parties shall be notified accordingly.
e. 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.
f. All Parties involved in the process shall refrain from commenting publicly on the appeal until a decision is made and all Parties are notified.
g. The number of appeals for a single incident is limited to one time – the Appeals Panel decision is final.

III. Appeal Criteria

The types of appeals covered by this Appeal Procedure include:

a. Substantive Appeals: regarding the RMAP conformance determination.
b. Procedural Appeals: regarding the RMAP’s implementation of the RMAP standards and procedures.

IV. Specific exclusions

The following fall outside the scope of this Appeals Procedure:

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a. Procedural Appeals cannot be brought forward for assessments that were already reviewed by the IRC as the final step in the quality control review process.
b. Complaints regarding changes to the RMAP Standards or supporting documents.
c. Complaints that are trivial, malicious, vexatious, or appear to have been generated to gain competitive advantage
d. Complaints that are not supported by compelling, objective evidence. Save for exceptional circumstances, complaints cannot be investigated where they are based on hearsay alone.
e. Anonymous complaints, which should be directed to RMI’s grievance mechanism.

V. Appeal Procedure

All appeals are processed and documented by the RMAP Program Manager 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:

a. Lodging an Appeal
   An appeal shall be received within ten (10) business days after notification of the RMAP decision. Appeals shall be made to the attention of the RMAP Program Manager. 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 IRC;
   6. Contain an agreement to adhere to the terms and provisions of this procedure.

b. Admission
   The RMAP Program Manager 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 RMAP Program Manager performs an initial review of the appeal to determine whether the appeal could be resolved without referring to the IRC, unless the Appellant expresses explicitly the wish to involve the IRC at the outset.

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

d. Documentation
   The RMAP Program Manager 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

e. Independent Review Committee (IRC)
   The IRC shall be called on each occasion that an appeal is lodged against a decision of the RMAP and the appeal is accepted by the RMAP Program Manager.

   The RMAP Program Manager shall convene the IRC consisting of the representatives independent from the RMI staff and operations; the IRC composition is available on the RMI website here.

f. Timeline
   The IRC will investigate, review and decide on the appeal or complaint within forty-five (45) business days of the determination of admission. The IRC 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 IRC that the additional time is necessary, then it shall notify the RMAP Program Manager and request a specific, limited time extension. If the IRC cannot reach consensus on the need for time extension, the RMAP Program Manager shall review the cause for dissention and make a decision.

g. The IRC 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

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

i. Determination
   The IRC shall examine the evidence substantiating the appeal and report its evaluation and final decision to the RMAP Program Manager. Appeal decisions shall be one of the following:
   1. Reject the appeal and maintain RMAP’s determination.
   2. Uphold the appeal and overturn RMAP’s determination.
The IRC should decide on the appeal by consensus. If the IRC 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 IRC be unable to complete the decision process, such as being unwilling to vote or unresponsive to communications for five (5) days or more, the RMAP Program Manager shall move forward with the decision by the other IRC members.

The written decision of the final determination of the IRC shall be signed or confirmed electronically by all members of the IRC and submitted to the RMAP Program Manager.

The appeal decision shall be documented by the RMAP Program Manager and communicated to the Appellate, including:

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

The confidentiality of the complaint and complainant as well as the response shall be protected as described in the governing AECI. Other than the RMAP Program Manager, RMI legal counsel, IRC, 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.