

# ~ The Code of Ethics ~

For Registered Competent Person (RCP)

Prepared by

~ The NACRI ~

(The National Committee for Reporting Mineral Resources and Reserves in India)

Approved by



COMMITTEE FOR MINERAL RESERVES  
INTERNATIONAL REPORTING STANDARDS

August 1, 2019

Adopted by





## **Appendix-II of MEAI Bylaws**



COMMITTEE FOR MINERAL RESERVES INTERNATIONAL REPORTING STANDARDS

01 August 2019

The National Committee for Reporting Mineral Resources and Reserves in India (NACRI)  
Flat-608 & 609, Raghava Ratna Towers, A-Block, VI Floor,  
Chirag Ali Lane, Abids, Hyderabad – 500001,  
India

*Co-Chairs of NACRI*

Mr T Victor

Dr Abani Samal

DR PV Rao

*MEAI President*

Mr Sanjay Pattnaik

*MEAI Past President*

Mr Arun Kothari

Dear Sirs

Further to your application to join the Committee for Mineral Reserves International Reporting Standards (CRIRSCO), and based on the documentation provided in support of your application, I confirm that the CRIRSCO membership voted unanimously to admit NACRI as a Member representing India.

CRIRSCO recognises and congratulates India on the excellent team work in preparing for membership under your leadership, and CRIRSCO looks forward to the successful implementation of the Indian Mineral Industry Code (IMIC) in India.

As a member of CRIRSCO, India will continue to develop further the principles of transparency, materiality and competence essential for the reliable public reporting of exploration results, mineral reserves and mineral resources.

I have great pleasure in welcoming NACRI to CRIRSCO and to receiving your continuing support and contribution in enhancing reporting standards worldwide.

Yours sincerely

Neil WELLS

CRIRSCO Chairperson, 2019

CRIRSCO provides an international forum that enables countries to ensure consistency of their minerals reporting standards in an international setting and to contribute to the development of best practice international reporting. CRIRSCO is a Strategic Partner of ICMM the International Council on Mining & Metals.

**ICMM**  
International Council  
on Mining & Metals

# CODE OF ETHICS, The Complaints and Ethics Committees and COMPLAINTS HANDLING AND REDRESSAL SYSTEM

## A. Code of Ethics applicable to Registered Competent Person (RCP) Under MEAI Rules & Regulations, Rule-4 (5) (Based on NACRI ARTICLE 2.iii Code of Ethics and related)

### 1. PREAMBLE

A Competent Person registered by the Professional Organisations (PO), hereafter referred as an RCP, shall comply with this Code of Ethics and the Indian Mineral Industry Code for Reporting Exploration Results, Mineral Resources and Mineral Reserves (IMIC).

The definition and qualification details of the RCP can be found under Clause 9 of the IMIC and Clause 2.ii of the NACRI Charter.

The RCP membership shall be granted to members equipped with requisite professional qualification and experience in the related areas of minerals sector as mentioned in the abovementioned documents.

The Mining Engineers' Association of India (MEAI) is recognized and widely regarded as a premier professional organization in India representing a range of qualified geoscientists and engineers and other professionally qualified individuals engaged in a range of professional activities related to the minerals sector in India and /or overseas.

The MEAI expects and promotes the highest professional and ethical standards of its members, having regard to the well-being of the community, the natural environment and the reputation of the international minerals industry.

The Code of Ethics (Code) represents the Core Values of MEAI and is endorsed by all its members. RCPs shall commit to the principles set out in the Code. Any breach of this Code by the RCPs reported to the MEAI shall be treated as per the provisions of the By-Laws in a manner that conforms to the principles of equity, independence and practicality.

The purpose of the Code of Ethics is to commit RCPs to uphold their personal integrity and enhance professional integrity; and to ensure sustenance of the highest standing of The MEAI and of its RCPs in the eyes of the community.

None of the provisions in the Code of Ethics shall be construed as imposing any constraint, which might be interpreted as anti-competitive behaviour.

### 2. CODE OF ETHICS

- i. The premier responsibility and uppermost duty of RCPs shall at all times be the welfare, health and safety of the community
- ii. RCPs shall act to uphold and enhance the honor, integrity and dignity of the profession
- iii. RCPs shall work and report only in their areas of competence
- iv. RCPs shall build their professional reputation on merit and shall not indulge in any unfair competition
- v. RCPs shall apply their skill and knowledge with complete professional integrity while working for their employer or client

- vi. RCPs shall provide evidence, express opinion or make statements in an objective and truthful manner and based on adequate knowledge
- vii. RCPs shall pursue professional development throughout their careers and shall actively assist and encourage those under their direction to advance their knowledge and experience
- viii. RCPs shall comply with the IMIC, all the laws and government regulations relating to the mineral industry, and with the rules, regulations and practices as established and promulgated by the Securities and Exchange Board of India (SEBI) and other relevant regulatory authorities in other jurisdictions with respect to the official listing requirements for mining and other mineral-based companies.

### 3. INTERPRETATION

#### CLAUSE 1

***The premier responsibility and uppermost duty of RCPs shall at all times be the welfare, health and safety of the community***

The principle here is that the interests of the community have priority over the interests of others. It follows that an RCP:

- i. shall avoid assignments that may create a conflict between the interests of the RCP's client or employer and the public interest;
- ii. shall work in conformity with acceptable technological standards and not in a manner that jeopardizes public welfare, health or safety; shall endeavor at all times to maintain technological services essential to public welfare;
- iii. shall in the course of the RCP's professional life endeavor to promote the well-being of the community and, if the RCP's judgment is overruled in a particular instance, inform the client or employer of the possible consequences (and, if appropriate under the circumstances, notify the proper authority of the situation);
- iv. shall contribute to public discussion on scientific and technological matters in the RCP's area of competence, if the RCP believes that it would constructively advance the well-being of the community.

#### CLAUSE 2

***RCPs shall act to uphold and enhance the honor, integrity and dignity of the profession***

The principle here is that the profession should endeavor by its behavior to merit the highest esteem of the community. It follows that an RCP:

- i. shall not be involved with any business or professional practice which the RCP knows or should know, based on the facts and circumstances known to the RCP, to be of fraudulent or dishonest nature;
- ii. shall not use association with other persons or entities to conceal unethical acts;
- iii. shall not continue in partnership with, nor act in professional matters with any person who has been removed from membership as a Registered Competent Person because of unprofessional conduct.

#### CLAUSE 3

***RCPs shall perform work only in their areas of competence***

To this end, an RCP:

- i. shall inform the RCP's employer or client, and make appropriate recommendations on obtaining further advice, if an assignment requires qualifications and experience outside the RCP's field of competence;



- ii. shall obtain at least 40 hours of professional development credits per year through participation in seminars, conferences, workshops, training programs or webinars;
- iii. who is engaged in the practice of consulting shall neither act as a consultant nor offer to act so unless the RCP (a) occupies a position of professional independence or (b) is prepared to design and supervise works or act as an unbiased and independent adviser.

#### **CLAUSE 4**

***RCPs shall build their professional reputation on merit and shall not indulge in any unfair competition.***

The principle here is that members shall not act improperly to gain benefit. It follows that an RCP:

- i. shall only approach prospective clients or employers with due regard to the RCP professional independence and to this Code of Ethics;
- ii. shall neither pay nor offer, directly or indirectly, financial or other inappropriate inducements to third parties to secure work from clients;
- iii. shall advise clients to choose consultants based on merit;
- iv. shall neither falsify nor misrepresent, by misleading omissions or otherwise, the qualifications, experience and prior responsibility of the RCP or associates;
- v. shall not do anything, maliciously or carelessly, to injure, directly or indirectly, the reputation, prospects or business of others;
- vi. shall not use the advantages of a privileged position to compete unfairly with others;
- vii. shall exercise due restraint in explaining the RCP's own work and shall refrain from unfair criticism of the work of another;
- viii. shall give proper credit for professional work to those to whom credit is due and acknowledge the contribution of subordinates and others;
- ix. may use advertising (which term should be broadly construed to include solicitation of prospective clients by any means) to announce the RCP's practice and availability, but such advertisements may not include any false or defamatory statements.

#### **CLAUSE 5**

***RCPs shall apply their skill and knowledge with complete professional integrity while working for their employer or client***

It follows that an RCP:

- i. shall always avoid all known or potential conflicts of interest. The RCPs should keep the employer or client fully informed on all matters, including financial interests, which could lead to such a conflict. In no circumstances should the RCP participate in any decision which could involve the RCP in conflict of interest;
- ii. shall, when acting as administrator of a contract, be impartial between the parties in the interpretation of the contract. This requirement of impartiality shall not diminish the RCP's duty to apply the RCP's skill and knowledge in the interests of the employer or client;
- iii. shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed and agreed to by all interested parties;
- iv. shall neither solicit nor accept financial or other valuable consideration, including but not limited to free designs, from material or equipment suppliers in exchange for specifying the suppliers' products;
- v. shall neither solicit nor accept gratuities, directly or indirectly, from contractors, their agents, or other parties dealing with the member's client or employer in connection with work for which the RCP is responsible;

- vi. shall advise the RCP's client or employer whenever the member believes, based on the RCP's studies, that a project proposed by the client or employer may not be viable;
- vii. shall neither disclose nor use confidential information gained in the course of the RCP's engagement or employment without express permission of the client or employer except as may be required by court order or other legal process.

#### **CLAUSE 6**

***RCPs shall provide evidence, express opinion or make statements in an objective and truthful manner and based on adequate knowledge***

It follows that an RCP:

- i. shall be objective and accurate in the RCP's professional reports, statements or testimony before any tribunal and shall express an opinion only on the basis of adequate knowledge and technical competence in the area;
- ii. shall reveal the existence of any interest, pecuniary or otherwise, that could be taken to affect the RCP's judgment in a technical matter about which the RCP is making a statement or giving evidence.

#### **CLAUSE 7**

***RCPs shall pursue professional development throughout their careers and shall actively assist and encourage those under their direction to advance their knowledge and experience***

The principle here is that RCPs shall strive to widen their knowledge and improve their skill to achieve a continuing improvement of the profession. It follows therefore that an RCP:

- i. shall encourage the RCP's professional employees, associates and subordinates to further their education;
- ii. shall take a positive interest in and encourage the RCP's professional employees, associates and subordinates actively to support the NACRI and other professional organizations which further the general interests of the profession.

#### **CLAUSE 8**

***RCPs shall comply with all the laws and government regulations relating to the mineral industry, and with the rules, regulations and practices as established and promulgated by the Securities and Exchange Board of India (SEBI) and other comparable regulatory authorities in other jurisdictions with respect to the official listing requirements for mining and other companies***

It follows that an RCP:

- i. shall make reasonable efforts to be informed of the laws and regulations relating to the mineral industries in India and other countries where the member may be engaged as an employee or consultant;
- ii. shall observe the requirements of stock exchanges and other regulatory organizations with respect to the content, preparation and uses of reports on mineral exploration, mineral resources and mineral reserves, and other assets.



# GENERAL GUIDANCE FOR RCPs

The Code of Ethics is set out in broad terms to accommodate the many complex ethical situations that may arise in the day-to-day work of RCPs of the MEAI. The notes set out below are intended to guide RCPs in making their own ethical decisions, with a view to upholding their social and professional standards, and the reputation and integrity of the MEAI.

If a RCP has doubts concerning an ethical issue that has arisen in the course of their work, they are encouraged to contact the MEAI. All communications will be treated with strictest confidence.

## 1. Interaction with the Community

RCPs of the MEAI performing professional tasks are frequently in contact with the community and should represent their profession at the highest standards. The term “community” should be understood in its broadest sense, describing all groups in society, including RCP’ workplaces.

RCPs of the MEAI should ensure that they in no way compromise the safety, welfare, or health of the community and should always work in conformity with acceptable technical standards.

RCPs of the MEAI should actively discourage discriminatory practices and embrace the principles of equal opportunity.

RCPs of The MEAI when contributing to public discussion or knowledge in their field, should, at all times only comment within their particular area of expertise, be truthful and always uphold the integrity of their profession and the MEAI, and not purport to speak on behalf of the MEAI unless with prior approval as is required under the Bye-Laws.

In acting as an expert witness in legal proceedings, RCPs should give an objective professional opinion and not be perceived to be an advocate for any party to a dispute. As an expert witness, RCPs should ensure that they are thoroughly prepared and possess the requisite knowledge and experience to give evidence in relation to the subject of the proceedings.

## 2. Interaction with clients and employers

In all professional activities, whether undertaken as an employee or under instructions from a client, RCPs should attach importance to loyalty and conduct the relationship in a spirit of good faith and open and transparent communication.

RCPs of The MEAI should always avoid assignments that may be perceived as a conflict between the interests of their client or employer and the interests of the community, or their own private interests. If such a situation arises, RCPs should inform their client or employer at the earliest opportunity and attempt resolution in a manner acceptable to all parties.

RCPs of The MEAI should always advise their client or employer when, in their reasonable opinion, a project appears unviable, could endanger the community or is in conflict with this Code of Ethics. If a client or employer wishes to proceed with the project contrary to the RCP’s advice, the RCP should clearly explain what the consequences could be and, if necessary, withdraw from the project.

RCPs of the MEAI should seek financial compensation only for undertaking work for their client or employer and should neither solicit nor accept financial or any other consideration from material or equipment suppliers as a consequence of specifying their products, or from contractors, their agents or other parties arising out of work for which they are responsible.

Privacy considerations are important aspects of the employer- employee or client-consultant relationship. RCPs of the MEAI should respect both privacy legislation and general ethical principles and not disclose any confidential information or trade secrets acquired in the course of providing their services, without the express prior permission of the client or employer.

However, RCPs will not be held to have breached the MEAI Code of Ethics where the release of confidential information would protect the community from serious adverse consequences of an action or proposed action by the RCP's client or employer. If a RCP feels obliged to release information under such circumstances, the RCP should ensure that this is done in a calm and accurate manner that will best resolve the issue, without creating unnecessary publicity that is counterproductive to resolving the problem. RCPs of the MEAI are encouraged to seek the advice of colleagues, the MEAI and/or their legal representative before disclosing confidential information.

RCPs of the MEAI should never engage in fraudulent or dishonest practices nor knowingly continue in partnership or act in professional matters with any person who has been removed from membership or whose membership of the MEAI has been suspended and not re-instated, because of unprofessional conduct.

RCPs of the MEAI should also represent themselves and their abilities honestly to clients and employers. If an assignment requires qualifications or experience not possessed by the RCP, they should recommend that their client or employer obtain further advice.

RCPs of the MEAI should be open and transparent in all matters relating to fees for services.

Although RCPs are encouraged to act with the utmost loyalty to employers or clients, this should never be at the expense of the RCP's own ethical judgment. If a member believes that a breach of this Code of Ethics is likely to occur during their employment or engagement, the RCP should discuss the matter with their client or employer and if the ethical issue cannot be resolved, should seek further advice before continuing with the project.

### **3. Interaction with colleagues**

RCPs of the MEAI should always seek to be employed based on merit and should not compete unfairly with colleagues.

RCPs of the MEAI should respect the abilities of their colleagues and not attempt to supplant another member whose services have been engaged by a client or employer. RCPs of the MEAI should not intentionally or recklessly say or do anything that could injure the reputation of another member.

RCPs of the MEAI should always advertise and describe their own experience and abilities truthfully and accurately and without exaggeration. The contribution of fellow workers, subordinates, sub-contractors and others should be acknowledged.

## **B. The Complaints and Ethics Committees for enforcement of the Code of Ethics applicable to Registered Competent Person (RCP)**

The Complaints Committee and Ethics Committee are the two Committees formed to lead the day-to-day administration of the Code of Ethics and are delegated responsibility 'for processing and adjudicating complaints'. Their processes and powers are those determined by the MEAI National Council. All members of the MEAI play a crucial role in regulating members' compliance with the various codes. The complaints handling process ensures that members are held accountable for any conduct that breaches Code of Ethics, By-Laws or professional code obligations and are appropriately sanctioned to uphold the integrity of the profession, the MEAI and (when relevant) the informed market.

The complaints process ensures that RCPs are held accountable for any conduct that breaches Code of Ethics, By-Laws or professional code obligations including the IMIC and are appropriately sanctioned to uphold the integrity of the profession, of the MEAI and (when relevant) the informed market.

All deliberations of the Complaints Committee and Ethics Committee are strictly confidential. The identity of the complainant is not disclosed to the person(s) about whom the complaint has been made or to any parties not involved in the process of determining the validity of the complaint.

The identity of the complainant and respondent remains confidential, except in the following cases:

- § where the Ethics Committee has resolved that notice of a breach be published, in which case the name of the respondent may be made public
- § in the unlikely event that the matter advances to legal proceedings independent of the MEAI process, where the identity of the complainant may become known as part of the discovery of documents process, or if the MEAI is directed by a court (or other legally empowered person) to make such information available

An annual Compliance Report detailing the activity of the Complaints and Ethics Committees is published in the MEAI official organ 'Mining Engineers' Journal (MEJ)' in April every year. The report contains information on the number and broad subject matter of complaints and the actions taken.

A detailed explanation of the operations of MEAI's Compliance processes is available in the part C of this document. Complaints should be lodged using the complaints form, and preferably emailed to [compliance@meai.com](mailto:compliance@meai.com). Any queries about the process can also be directed to that email account.

The MEAI Complaints Committee, the first of the two committees, after receiving the complaints from the Code of Ethics (CoE) Secretariat, determines the complexity of the complaint. If the complaint is related to simple and minor breach, this Committee will deal with the complaint and notify its decision to all the concerned. If the breach is of complex nature and relates to ethics, the Complaints Committee will forward such complaint to the Ethics Committee for its resolution and notify its decision to all the concerned.

### **B.1 MEAI Complaints Committee**

The MEAI Complaints Committee is responsible for processing and assessing complaints which it deems are breaches of an RCPs' obligations. The Complaints Committee established for this purpose shall consist of four members, being two members each from National Committee for Reporting

Mineral Resources and Reserves in India (NACRI) and the MEAI Council. The Committee shall elect by consensus its Chair from amongst its members. The term of Complaints committee members shall be for a period of two years, and the committee members can be nominated for subsequent periods also.

## **B2. MEAI Ethics Committee**

The Ethics Committee has the responsibility for processing and assessing those complaints alleging infringements of Code of Ethics, as referred by Complaints Committee. The Ethics Committee consisting of four members shall include two members each from the NACRI and the MEAI, and its chair shall be elected by consensus from amongst its members. The MEAI Council Representative shall advise the MEAI council of any matters that will have serious implications for the Council or the MEAI. The Ethics Committee shall deal with all complaints directed to it by the Complaints Committee, and any appeals against Complaints Committee decisions brought before it. The term of Ethics committee members shall be for a period of two years, and the committee members can be nominated for subsequent periods also.

# C. Complaints handling and Redressal System by the Complaints and Ethics Committees

## CODES, COMPLIANCE AND MEAI RCPs OBLIGATIONS

The MEAI expects and promotes highest professional and ethical standards of its Registered Competent Persons (RCP) across all areas of professional practice through a spirited focus on professional ethics and their implementation. Under Rule-4 (5) of the MEAI Bye-Laws, all RCPs of MEAI are bound by this Code of Ethics, and when acting in certain capacities the RCPs are also bound by the Indian as well as any other Board approved codes, regulations or directives. These codes serve to protect communities, members and the profession, and provide professional reporting and valuation systems that give the community and particularly financial markets confidence in the mineral sector. RCPs, upon admission, commit to the principles set out in the Code of Ethics and endorse renewed commitment every year while renewing their membership. All RCPs shall familiarize themselves with all aspects of Code of Ethics, the Indian Mineral Industry Code for Reporting Exploration Results, Mineral Resources and Mineral Reserves (IMIC) and any other codes pertinent to their profession to ensure that the codes are properly observed by colleagues to retain and build trust and positive reputation.

### Complaints handling process

Any member, institutional member of MEAI or any individual may lodge a complaint with the Complaints Committee of MEAI on the detrimental actions of an RCP specific to the Code of Ethics, the Indian Mineral Industry Code for Reporting Exploration Results, Mineral Resources and Mineral Reserves (IMIC), or other relevant professional codes.

Breaches of the IMIC shall be addressed to the MEAI under the following situations:

- there has been a failure to report in accordance with the IMIC due to a technical or procedural error on the part of the RCP
- the named 'RCP' is not considered qualified to perform that role
- ethical misconduct – there has been a failure to report in accordance with the IMIC that appears deliberately misleading, intentionally fraudulent or incompetent on the part of the RCP.

The MEAI complaints process does not require that a company rectify problems with Public Reports released by a company that has relied on an RCP's work under the IMIC. Where a public report does not appear to be in accordance with the IMIC, and timely public rectification is a priority, the complaint should also be made to the SEBI. The relevant securities Exchange or Market regulator (e.g. the NSE or BSE) shall be in the best position to address and rectify an inaccurate or non-complying Public Report and is empowered to question the company and instruct the company to provide additional information. In some cases, making a complaint to both the MEAI and the SEBI may be appropriate, particularly if shortcomings in the professional performance of an RCP in the production of a Public Report is alleged.

The Complaints Committee must consider every complaint. A flowchart outlining the MEAI complaints process is shown in Figure-1 of this document. Complaints committee shall consider the complaints if they are made against the RCPs only.

### 1. How to lodge a complaint?

All complaints shall be made in writing and contain the following details:

- details of the complainant
- details of the RCP (individual(s)/companies) against whom the complaint is being made
- details of the circumstances of the alleged breach (dates, times, etc)
- identification of the relevant codes and clauses alleged to have been breached

- appended supporting documents
- duly signed 'Notice of Complaint' form (Form-I)

Complaints shall be addressed and submitted to “complaints committee secretariat, MEAI” by email at [compliance@meai.com](mailto:compliance@meai.com) or sent by post to the “Complaints committee Secretariat”, MEAI, F-608 & 609, Raghavaratna Towers, 6th Floor, Abids, Hyderabad, India 500001.

## 2. Receipt, acknowledgment and assessment of complaints

The complaint shall be received and acknowledged by the Complaints Committee Secretariat at MEAI Head Quarters. If required the secretariat may also verify the details of the alleged breaches and confirm whether there are any parallel legal or regulatory steps being taken with respect to the alleged breaches.

The complaint will then be referred to the Chair of the Complaints Committee, who will review the complaint. If the complaint is deemed to be outside the scope of the MEAI complaints process, it will be rejected and the complainant notified. If the complaint is within the scope of the MEAI complaints process, the respondent will be notified of the grounds of the complaint, and invited to respond.

Where a complaint alleges a violation of the Indian Mineral Industry Code for Reporting Exploration Results, Mineral Resources and Mineral Reserves (IMIC), the Complaints Committee may seek a confidential opinion on the validity of the complaint from a senior MEAI member with specific experience in the subject matter.

## 3. Notification and consideration

The Complaints Committee will then collate and review the details from the complainant, respondent and independent experts (wherever appropriate) and determine either of the following:

- that the complaint does not have substance, in which case the complaint will be dismissed and all parties notified,
- that the complaint is related to matters of commercial nature, in which case the complaint will be dismissed and all parties notified, with the recommendation of settlement by alternative dispute procedures, or
- that the complaint does have substance, in which case the matter will be progressed. Once the complaint is substantiated, the Complaints Committee may:
  - Ø refer to the relevant authorities/judicial processes if the alleged breach is suspected to be unlawful
  - Ø deal with the complaint and resolve the matter if no significant breach of ethics is suspected
  - Ø refer the complaint to the Ethics Committee if a significant breach of ethics is suspected

## 4. Minor breaches (Complaints Committee)

In investigating a minor breach(es), the Complaints Committee may:

- consult with the relevant regulatory body (in IMIC matters)
- seek legal opinion
- seek advice from independent experts that may or not be members of MEAI
- seek additional evidence in conducting an investigation, which may include asking the complainant to provide further information or asking the person about whom the complaint has been made to provide further information and comment on the details of the complaint received

If non-compliance is established, the Complaints Committee may impose a penalty, which may include one or more of the following:

- Counselling & Education through approved professional development programs.
- caution/reprimand
- mediation



Suspension of membership may not be imposed by the Complaints Committee. A statement of reasons for the decision taken will be provided to the complainant and the respondent

#### **4. i. Appeals**

Any decision made by the Complaints Committee can be appealed by any party (the complainant(s) or the respondent(s)), and such an appeal will be considered by the Ethics Committee. In relation to an appeal against the decision of the Complaints Committee, the Ethics Committee may uphold the decision of the Complaints Committee or reclassify the complaint and the manner in which it has to be handled. The Ethics Committee may ask the Complaints Committee to conduct further investigations or to reconsider its decision as part of this process. The Ethics Committee cannot bring an ethics complaint against any RCP on their own accord.

#### **5. Significant breaches (Ethics Committee)**

In cases where the complaint is deemed to have substance and involves a suspected significant breach of the Code of Ethics, the matter will be expeditiously referred to the Ethics Committee for hearing and determination.

The Ethics Committee will notify the RCP that the matter has been referred to the Ethics Committee for consideration, including the grounds of the complaint, the process being followed (which is at the discretion of the Ethics Committee) and will provide reasonable opportunity for the RCP to be heard in respect of the complaint before the Ethics Committee.

The Ethics Committee can seek independent or legal advice in relation to the evidence before it, and refer to the relevant regulatory body to discuss and jointly agree on a resolution process (e.g., IMIC matters), but cannot seek additional evidence on its own accord. The Ethics Committee may ask the Complaints Committee to conduct further investigations.

The Ethics Committee will then review information from the complainant, respondent and independent experts (where appropriate) and determine the outcome of the complaint and if appropriate, the penalty.

At conclusion of the review, the Ethics Committee may:

- find the complaint has not been established, take no further action, dismiss the complaint and advise the parties accordingly, or
- find unethical behaviour has been established

#### **5. i. Penalties**

If non-compliance is established, the Ethics Committee may impose a penalty. Penalties that are imposed by the MEAI may include one or more of the following:

- Appropriate education through approved professional development programs.
- issue a letter of warning or reprimand to the RCP
- resolve that the RCP membership be suspended for a period not exceeding 12 months
- resolve that the RCP be expelled
- resolve that details of the breach be publicized
- require recovery of costs to the MEAI

Penalties of suspension, expulsion or publication are referred to the MEAI Council for consideration and approval prior to the penalty being applied and the RCP's name being removed from the Register for the period of suspension, or permanently in the case of expulsion.

A statement of reasons for the decision shall be provided to the complainant and the respondent.

#### **5. ii. Appeals**

Ethics Committee decisions can be appealed and will be made to and considered by an independent third party acceptable to both the MEAI Council and appellant.

## 6. Conflict of interest

Members of the Complaints Committee and Ethics Committee with a conflict of interest in relation to a complaint must declare their interest and absent themselves from participating in deliberations relating to the complaint.

## 7. Duration / timeframe for resolution

The Complaints Committee and Ethics Committee will endeavour to consider and respond to complaints as quickly as possible. Some complaints may take many months to consider, depending on the need to:

- gather evidence
- seek independent expert or specialist opinion
- consider complex matters of compliance with the Code of Ethics and other professional codes
- allow respondents reasonable time to understand and comment on the findings in the investigation
- allow the MEAI Council to consider and endorse Complaints and Ethics Committee recommendations (where relevant). In situations where timely public rectification is a priority (such as non-compliance of public reports in relation to IMIC), the complaint should also be made directly to the relevant regulatory bodies (e.g., SEBI or NSE or BSE)

## 8. Legal representation

The complaints process involves judgement by peers and is not strictly a legal process. However, the parties to a complaint may choose to engage qualified legal representation to assist them with any hearing or appeal.

In the majority of complaints legal advice and representation is not sought by parties to the complaint. The choice regarding whether to seek legal advice and/or representation is up to the RCP.

## 9. Legal status

The Code of Ethics does not have the force of the law; however, it is possible that a complaint's investigation and findings may be used in subsequent legal proceedings.

MEAI would not provide information about a complaints process unless the parties to the complaint agreed or MEAI was legally obliged to present that information.

## 10. Confidentiality

All deliberations of the Complaints Committee and Ethics Committee are strictly confidential. The identity of the complainant is not disclosed to the person(s) about whom the complaint has been made or to any parties not involved in the process of determining the validity of the complaint.

The identities of the complainant and respondent remains confidential, except in the following cases:

- where the Ethics Committee has resolved that notice of a breach be published, in which case the name of the respondent may be made public
- in the unlikely event that the matter advances to legal proceedings independent of the MEAI process, where the identity of the complainant may become known as part of the discovery of documents process, or if the MEAI is directed by a court (or other legally empowered person) to make such information available.

An annual Compliance Report detailing the activity of the Complaints and Ethics Committees shall be published in the MEAI official organ "MEJ". The report contains information on the number and broad subject matter of complaints and the actions taken.

# Form - I

## Notice of Complaint against MEAI RCP(s)

Please use this form to lodge allegations against the MEAI RCPs that have breached their obligations under the MEAI By-Laws, Code of Ethics, the IMIC or other professional codes.

### Complainant details

Name:

Are you a MEAI Member? No Yes

MEAI Membership number:

Preferred postal address:

Preferred email address:

Telephone number(s):

Name of MEAI RCP(s) against whom the Complaint is made:

What is the nature of the Complaint?:

This complaint alleges a breach of:

MEAI By-Laws

Specific By-Law clause(s):

MEAI Code of Ethics

Specific Code of Ethics clause(s):

IMIC Code

Specific IMIC Code clause(s):

Other Details:

### Complaint Description:

(Please provide detailed information regarding specific allegations, provisions of the MEAI By-Laws, Code of Ethics, Professional Codes (including IMIC) or relevant legislation. Supporting evidence or documents shall be provided as attachments to the complaint)

Signature of complainant

Date:

### Notes on Complaint handling

This Notice of Complaint shall be completed in full and submitted with supporting documentation to the Complaint committee secretariat, MEAI HQs, Hyderabad, India. Submission by email is preferred at [compliance@meai.com](mailto:compliance@meai.com). Complaints may also be lodged by post. The complaints shall be processed in the manner required as prescribed by Rule-4 (5) of MEAI Bylaws. Complaints must be related to MEAI RCP's activities with respect to their activities as mineral industry professionals. Any RCP can be the subject of a complaint. In cases of serious breaches of ethical or legal obligations beyond minerals industry activities, the right to continue as RCP of the MEAI may be considered. All deliberations of the Complaints Committee and Ethics Committee shall remain strictly confidential.

The identity of the complainant is not disclosed to the person(s) about whom the complaints has been made or to any parties not involved in the process of determining the validity of the complaint.

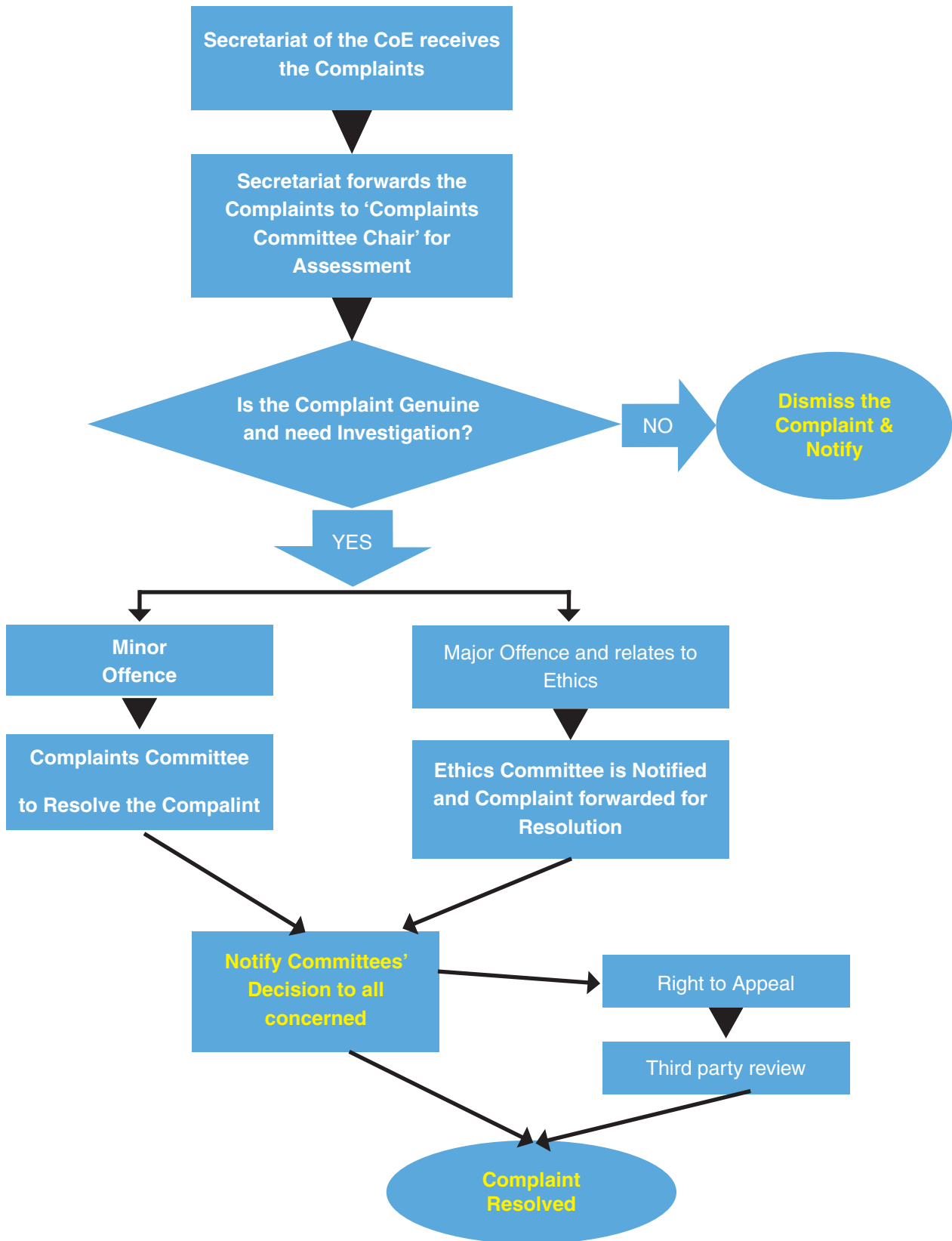
The identity of the complainant and respondent remains confidential, except in the following cases: where the Ethics Committee has resolved that notice of a breach be published, in which case the name of the respondent may be made public

in the unlikely event that the matter proceeds to legal proceedings independent of the MEAI process, where the identity of the complainant may become known as part of the discovery of documents process.

In accordance with Rule-4 (5) of MEAI Bylaws, all complaints matters shall be treated in the strictest confidence. This complaint must not be circulated to or discussed with third parties.

In promoting the highest professional ethics of its members, the MEAI will describe the issues raised by complaints received in general terms in future communications to MEAI members and other stakeholders on the operations of MEAI's complaints handling system. Annual reports detailing the activity of the Complaints and Ethics Committees are published in The MEAI official organ 'MEJ'. The annual report contains information on the number and broad subject matter of complaints and actions taken.

Figure 1: Complaint process flow chart



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