

GUIDANCE ON ART'S COMPLAINTS AND APPEALS PROCESS

This guidance provides additional information regarding the Complaints and Appeals process outlined in Section 16 of TREES in response to stakeholder comments indicating that the process was not sufficiently detailed to understand the steps and timing. This guidance details the steps for effective and timely resolutions to complaints about activities or decisions related to the application of the ART Standard, TREES, and other program rules and requirements including the performance of an ART-approved Validation and Verification Body (VVB). Any stakeholder may submit a complaint to ART following this process. By submitting a complaint, the complainant agrees to the provisions of the process.

ART's Complaints Process is not intended to substitute, circumvent, or override the legal rights of any party to use judicial mechanisms.

1 PRINCIPLES AND PROCESSES

1. ART is committed to open, transparent and fair resolution of all complaints received. The following guiding principles which form the underlying rationale to determine complaint eligibility.
 - a. Legitimate: ART is committed to enabling trust from the stakeholder groups for whose use they are intended and being accountable for the fair conduct of grievance processes.
 - b. Accessible: ART is fully accessible to all stakeholders and provides adequate assistance for those who may face particular barriers to access.
 - c. Predictable: ART provides a clear and known process with an indicative timeframe for each stage and provides clarity on the types of process and outcome available and means of monitoring implementation.
 - d. Transparent: ART keeps parties to a grievance informed about its progress and provides sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake.
 - e. Continuous learning: ART draws on relevant findings and information provided to identify lessons for improving the mechanism and preventing future grievances and harm.
 - f. Engagement and dialogue: ART may consult relevant stakeholder groups as one of the means to address and resolve grievances.
2. In addition to the above principles, the complaint process requires that:
 - a. Any individuals involved in the investigation and/or decision-making process surrounding a complaint declare any conflict of interest they may have in the proceedings and disqualify themselves accordingly. For the avoidance of doubt, being a member of staff, management, or the Board of ART, ERT or Winrock is not in itself a conflict of interest if the individual was not involved in the matter that is the subject of the complaint.
 - b. Decisions must take into account relevant considerations and mitigating circumstances and ignore irrelevant considerations.

c. Any retributions or reprisals against complainants are prohibited and will not be tolerated.

2 SCOPE

1. The scope of the ART Complaints Process is to provide a formal process for addressing grievances related to ART policies and procedures, substantive complaints regarding the rules, requirements and content of the standard, TREES and operative documents including, but not limited to the ART Terms of Use and the TREES Validation and Verification Standard.

2. Complaints and appeals relating to Validation and Verification Bodies (VVBs) may be submitted to ART, however, these complaints are reviewed and resolved through distinct processes depending on their nature.

- a. Complaints related to the performance of VVBs including issues such as conflicts of interest, fraud, inability to access a VVB's grievance mechanism, and inconsistent application of TREES will be assessed and resolved in line with the process outlined in the TREES Validation and Verification Standard.
- b. Complaints and appeals relating to decisions of the VVBs including the following topics will be evaluated by ART to determine if the evidence presented indicates the need for further review:
 - Non-compliance with requirements of TREES as applicable to a program
 - Validation and verification decisions, including but not limited to program design, GHGs emission reduction monitoring, calculation approaches, conformance with safeguards
 - VVB audit process

If the complaint requires further action ART will either 1) forward to complaint to the VVB selected for the next verification to be evaluated again as part of the new audit process or 2) forward the complaint to the accreditation body overseeing the VVB for investigation.

3. It is not within the scope of the ART Complaints process to consider:

- a. Complaints related to the laws, policies, and regulations of the host country, unless this directly relates to the entity's obligation to comply with ART's standards and procedures;
- b. A complaint submitted by the same complainant(s) on matters previously submitted through the mechanism or addressed as part of a public comment submission unless new, compelling evidence is provided; or
- c. A complaint related to a matter or allegation that is more than one year old or has been investigated and resolved within the last two years, even if it has been submitted by a different complainant, unless new evidence is provided, or new allegations have been made.

3 PROCESS

1. Stakeholders may submit a complaint in the form of a written letter to ART. Complaint letters must include:



- a. Name, organization and primary contact details for official communications regarding the complaint (email, telephone/skype/WhatsApp).
- b. Description of the complaint including:
 - Nature of complaint, relevant timeframe and perceived impact
 - Specific reference with citations to applicable ART principle, program requirement(s) or procedure(s) that are the subject of the complaint
 - Supporting evidence and documentation to be considered in the complaint resolution process. Examples of supporting evidence may include correspondence, such as emails or letters, research studies, or letters of support from other stakeholders. Typically, no additional information will be accepted after the initial complaint, although ART reserves the right to accept additional information (in its complete discretion) upon a showing of good cause.
 - Declaration of any potential or perceived conflict of interest or statement that there is no conflict.
 - Declaration that information being provided is true, accurate and made in good faith

c. Confidentiality

Complainants may request confidentiality, but any request for confidentiality must detail the scope of the request. For example, a request shall state what needs to be kept confidential (e.g., complainant's name, topic of complaint itself). Requests for confidentiality also must state a compelling reason for same. ART will apply its best efforts to honor requests for confidentiality.

2. Complaints shall be sent in writing to REDD@winrock.org with the subject line "Complaint submission to ART."
 1. Acknowledgment - ART will respond in writing to acknowledge receipt of the complaint within five (five) days of receipt of the complaint. Within fifteen (15) days of receipt of the complaint, ART will review the complaint for eligibility. If the complaint is found ineligible per Section 2, ART will provide an explanation for this finding. For any complaints requesting confidentiality, ART also will inform the complainant if the request will be honored. Complainants may withdraw the complaint at any time.
 2. Investigation – Following the receipt of an eligible complaint, ART will conduct an assessment of the extent of the complaint about activities or decisions related to the application of TREES or applicable program rules and requirements. ART will appoint an independent representative to investigate the complaint who shall not have been involved with the issue that is the subject of the complaint. If the complexity of the complaint requires it, ART, at its discretion may appoint or engage an external party to conduct the investigation and/or manage the complaint.

ART shall conduct and conclude the investigation within 90 days after the acknowledgement of the complaint. ART reserves the right, however, to extend the



investigation timeline, as required. The complainant will be informed about the revised timeline and expected dates.

- a. At any time during this process, ART may request additional information from complainant. If complainant is non-responsive for more than 15 days, ART reserves the right to close the complaint process. Moreover, extended periods of slow responsiveness will affect the overall timelines for the investigation.
- b. At any time during this process, and typically prior to the launch of the investigation, ART may reach out to the complainant and/or parties involved to attempt to resolve the issue in an informal manner, unless such an attempt is reasonably considered an unnecessary exercise.
3. Decision - The investigator will prepare a report outlining the process used for the review, conclusions reached and reasons and provide a list of interviews and documents consulted as part of the review process. ART shall send the report with the investigator's decision via email to the complainant including, if applicable, any follow up actions and/or corrective measures to complainant and parties involved in the grievance. Any decision reached by the investigator shall be final.

ART will publish the investigator's report and the original complaint letter on its website. Additional associated supporting evidence may be published at ART's discretion.

4. APPEALS

1. The complainant may appeal the outcome of an investigation by notifying ART at REDD@winrock.org with the subject line "Appeal submission to ART" within 30 days of receiving the investigation findings. Appeals are limited to the issues raised in the complaint, and no new issues will be considered on appeal. No additional evidence will be accepted during an appeal. The request for appeal must include a statement of the specific finding(s) that is being appealed and an explanation of why it was in error.
2. Acknowledgement- ART will respond in writing within five (5) days to acknowledge receipt of the appeal. Within thirty (30) days of receipt of the appeal, ART will conduct an eligibility review. If the appeal is found ineligible, ART will provide an explanation for this finding.
3. For eligible appeals, ART will form an independent committee that will include a member of the ART Board of Directors, a member of the Winrock Board of Directors or Senior Management team, and one external expert selected by the appellant and approved by the Secretariat, and all of whom will have equal votes. The committee may also include non-voting technical and/or subject matter expert or experts as necessary. If the complexity of the appeal requires it, ART, at its discretion, may appoint or engage an external party to conduct the investigation.



The independent committee shall conduct a review and issue a report within 90 days. ART reserves the right to extend the review timeline, as required. The appellant will be informed about the revised timeline and expected dates.

4. Decision - The decision reached by the committee shall be communicated via email to the appellant and posted on the ART website. All decisions shall be final and binding.

5 MISCELLANEOUS

Translation of investigation plan and resolutions can be requested. ART, at its discretion, may publish these documents in a language other than English, if required.