

Procedures for:

- (i) Complaint against Neutral, Mediator or Arbitrator**
- (ii) Removal of Neutral, Mediator or Arbitrator**
- (iii) Renewal of Inclusion on eBRAM's panel**

Definitions	
Complainant	any person in connection with an ODR proceeding (e.g., APEC ODR, mediation and/or arbitration case) administered by eBRAM, who submits a Complaint (as defined below) against a mediator or an arbitrator listed on eBRAM's Panel of Arbitrators, Mediators or APEC Neutrals ("Respondent")
Complaint	a written statement specifying the facts and circumstances on which the complaint against the Respondent is based.
Complaint Handler	a member of staff of eBRAM who leads, manages and/or supervises the case management team in the provision of mediation and arbitration services by eBRAM.
eBRAM	eBRAM International Online Dispute Resolution Centre Limited.
eBRAM's Panel	eBRAM's Panel of Arbitrators and/or Mediators and/or APEC Neutrals.
Misconduct	any act or behavior which a reasonable person would consider to: <ul style="list-style-type: none"> (i) be a breach of <i>Code of Ethics for Arbitrators of eBRAM</i>; (ii) be a breach of <i>Hong Kong Mediation Code</i>; or (iii) call into question one's professional abilities and/or suitability to remain on eBRAM's Panel.
Panel Listing Committee	the Panel Listing Committee established by the eBRAM Board of Directors.
Respondent	an arbitrator or a mediator listed on eBRAM's Panel against whom a Complaint is made.

Complaint Procedure

1. Any Complaint must be in writing and submitted to the Complaint Handler and be accompanied with all evidence, on the basis of which the Complaint is based.
2. Once a Complaint has been received, the Complaint Handler shall first acknowledge receipt of the Complaint in writing and preliminarily review the Complaint. If the Complaint

Handler is satisfied that there is a *prima facie* case of Misconduct, the Complaint Handler shall forward the same to the Panel Listing Committee.

3. The Panel Listing Committee, having considered the Complaint, shall decide if it is necessary to seek the comments of the Respondent or the other parties to the ODR proceeding.
4. If the Panel Listing Committee decides to investigate the Complaint, the Complaint Handler shall notify the Respondent or the other parties of the Complaint, and invite them to comment in writing within fourteen (14) days from the date of the notification or any other period so specified.
5. The Panel Listing Committee may request further written comments from the Complainant, the Respondent or the other parties, if it considers appropriate.
6. The Panel Listing Committee will decide on the merits of the Complaint, after consideration of all comments received. In the event that the Panel Listing Committee decides to accept the Complaint, it shall exercise its discretion on the sanctions to be applied. Such sanctions may include, but are not limited to:
 - (i) written warnings,
 - (ii) suspension from the eBRAM's panel, and/or
 - (iii) removal from the eBRAM's panel.
7. Unless otherwise required by any applicable law, all documents, information and decisions submitted or produced in respect of the Complaint shall remain confidential.
8. All decisions made by the Panel Listing Committee are final and not subject to appeal.

Removal Procedure

9. When an arbitrator conducts an arbitration, he or she should be under strict moral and ethical obligations to act fairly and impartially and adhere to the eBRAM's Code of Ethics for Arbitrators.
10. When a mediator conducts a mediation, he or she should be under strict moral and ethical obligations to act fairly and impartially and adhere to the Hong Kong Mediation Code.
11. If an arbitrator or a mediator listed on eBRAM's Panel fails to observe any of the duties as stated in paragraphs 9 and 10 above, the Panel Listing Committee may, at its discretion, remove the arbitrator or mediator from the eBRAM's Panel without providing reasons for doing so.
12. The Panel Listing Committee reserves the right, in its absolute discretion, to include or remove the name of a mediator or an arbitrator on the eBRAM's Panel. The decision of the

Panel Listing Committee as to whether the name of a mediator or an arbitrator remains on or is removed from the eBRAM's Panel is final.

Renewal of Inclusion on eBRAM's Panel

13. Inclusion on eBRAM's Panel is for a period of five years.
14. Renewal of inclusion on the eBRAM's Panel is either (i) by invitation by eBRAM or (ii) upon an application being made to eBRAM.
15. The decision of the Committee as to whether a name remains on or is removed from eBRAM's Panel is final. The Committee reserves the right, in its absolute discretion, to admit or reject applications for continued inclusion on eBRAM's Panel.