

## PART IV

### APEX DISPUTES PROCESS

#### A} FILING OF COMPLAINTS AND DISPUTES

##### 1} COMPLAINTS

Anyone may file a formal complaint against an APEX Member website or its representative for violation of the APEX pledge, APEX Mission Statement or for conduct otherwise deemed to be unethical. The complainant need not be a representative of an APEX Member website. *See Terminology Reference: Ruling.*

##### 2} DISPUTES

Two or more parties involved in a dispute which concerns ethical behaviour on the Internet may request that APEX settle the matter for them if they agree to abide by the final decision of APEX on the matter. The parties involved need not be representatives of APEX Member websites. *See Terminology Reference: Binding Judgement.*

#### B} SUPERVISION OF DISPUTES

The Director of Disputes is responsible for processing all formal disputes and complaints filed with APEX.

**EXCEPTION:** If the Director of Disputes is accused of an infraction in a formal complaint or is a party in the dispute to be settled by APEX, the Director of Disputes shall excuse himself or herself from processing the dispute or complaint in question and the Chief Executive Officer shall appoint another Board Member as a Special Investigator in this instance. The Special Investigator shall carry out the Procedure for Processing Disputes as if he or she were the Director of Disputes.

#### C} PROCEDURE FOR PROCESSING DISPUTES

- 1} The Director of Disputes performs a preliminary investigation concerning the dispute or complaint.
- 2} The Director of Disputes determines if a Disputes Committee should be convened or not, based on the evidence received during the preliminary investigation. If the Director of Disputes determines that no Committee is necessary, he or she issues a written decision on the matter as soon as possible, which is then reported to the Chief Executive Officer. The Chief Executive Officer then announces the decision to the Board of Directors. The decision is then announced to the parties involved,

entered into the records of APEX, and enforced by the Board of Directors.

- 3} If the Director of Disputes determines that a Disputes Committee is required, he or she assembles the Committee from the APEX Membership. {Directors other than Director of Disputes may not serve on the Disputes Committee.}
- 4} The Director of Disputes informs the Chief Executive Officer and Board of Directors that a Disputes Committee has been formed, and the parties involved in the dispute.
- 5} The Director of Disputes appoints a Committee Chairperson and distributes information gathered during the preliminary investigation to the Disputes Committee. The Director of Disputes collects any new information needed and/or requested by the Committee from the involved parties and distributes it to the Committee.
- 6} The Director of Disputes observes the Disputes Committee and stands by to offer any assistance needed while Committee Members investigate, discuss and vote on the dispute, but does not directly participate in the Committee's discussions.
- 7} The Members of the Disputes Committee vote for a final verdict on the dispute, which is reported to the Director of Disputes by the Committee Chairperson. The Director of Disputes casts a vote only in case of a tie. The Disputes Committee then issues a written decision on the matter as soon as possible.
- 8} The Director of Disputes reports the result of the Disputes Committee's decision to the Chief Executive Officer. The Chief Executive Officer then announces the decision to the Board of Directors. The decision is then announced to the parties involved, entered into the records of APEX, and enforced by the Board of Directors.
- 9} The Disputes Committee shall be dissolved immediately after its decision has been reported to the Chief Executive Officer.

#### **D} APEX WILL NOT**

Participate in any dispute or complaint process if any party to a complaint or dispute has, prior to any formal request to APEX, aired the issue within any public or private arena such as web sites, forums, personal emails, chat boards and/or any other form of public environ and/or media for APEX views such acts as a breach of good faith.

Guarantee that any dispute or complaint process undertaken will be successful. It is recognized that all parties to any issue need to be willing to accept and abide by any resolution suggestions offered therefore APEX does not accept responsibility for any lack of success.

Necessarily be members of or affiliated with any award groups, forums, indices or associations but will offer and provide at all times support for same and although APEX may

APEX

feel that any web site in question may have a superior web presence, the web site will not be recognized should the web site owner, designer and/or participants, whether owners of APEX Member sites or not, decide to publicly discredit others within their web sites, forums, personal emails, chat boards and/or any other form of public environ and/or media.

## Terminology References

**Complaint:** One parties presentation of factual information as a formal complaint which is specific covering issues of cause and effect: like duress, mental anguish and so forth. The Director of Disputes will either dismiss the complaint as not having sufficient evidence to arrive at a determination or request that the offending party furnish factual information to refute the complaint.

**Dispute:** Presentation of factual information as a formal dispute by all parties such documentation being specific covering issues of cause and effect. Once parties to the dispute have furnished factual information a judgement could be rendered or a request that all parties submit to binding arbitration or mediation with the latter being preferable. This method would result in the process covered under the disputes section of the APEX Charter.

**Ruling:** This would not necessitate both parties furnishing factual information but would be dependent in determining a cause and effect and would be the equivalent to a default judgement.

**Default Judgement:** Is a [binding judgement](#) in favor of the [plaintiff](#) when the [defendant](#) has not responded to a [summons](#) or has failed to appear before a [Court](#) of Law. It can be compared to a [forfeit victory](#) in sports. *(Links will open in same window. Please use browser back button to return to document.)*