

XVII. COMPLAINT PROCEDURE

A. INTRODUCTION

This publication formally documents steps that are taken to resolve complaints involving Greenbelt Homes, Incorporated, its members and others. The procedure is one which evolved through experience in dealing with various types of complaints.

Foremost in all considerations is ensuring fair treatment. Some features in these procedures include executive sessions held to maintain privacy; meetings scheduled to reasonably accommodate the person who is the subject of the complaint ("Respondent"), as well as any individual who submitted the complaint ("Complainant") and to reasonably accommodate the members of the Panel, or Board, as the case may be; notice of the complaint in writing, informing the Respondent of 1.) the charge or charges against him or her, 2.) his or her right to present information, to make a statement and to have an assistant or legal counsel at appropriate points in the procedure, 3.) his or her opportunity to meet the Complainant face-to-face in appropriate cases, and 4.) his or her right to appeal a Board decision to the membership.

A Complainant may be a member of the Corporation or may be any resident of the GHI community. The Corporation also may be the Complainant in any case where alleged violations have been observed by, or reported to, Management.

A Respondent may be a member of the Corporation or may be any resident of the GHI community, or any family member, tenant, guest, associate or contractor of any member, tenant or resident of the GHI community.

GHI hopes that these procedures will help all members understand their rights and obligations and provide future Complaints Panels and Boards with a standard format for processing complaints.

B. POLICY STATEMENT ON HANDLING COMPLAINTS

It is the policy of Greenbelt Homes, Inc. to ensure fair and equitable treatment in these procedures.

The following procedures are in accordance with the Corporation's Bylaws and have been formulated to protect the interests of the Corporation, the members and others.

Provision has been made for preliminary investigation of facts and for clarification of allegations to help resolve minor complaints before they become worse.

All meetings in this procedure will be held in executive session, except for the member's appeal to the membership.

C. SOURCES AND BASES OF COMPLAINTS

1. The Corporation receives complaints from a number of sources, including a.) next door neighbors, b.) persons residing in the same court or area, and c.) Management inspections.
2. Complaints can be based on alleged violations of a.) the Mutual Ownership Contract, b.) GHI regulations, c.) GHI Bylaws; or d.) City, County, or State Laws or ordinances.
3. Complaints should be made in writing to Management, or, when appropriate, Management may prepare a memorandum summarizing the complaint.

D. INITIAL ACTION BY MANAGEMENT

1. When Management is notified of a complaint, the complaint will be investigated to ascertain the facts. Management may speak with the Complainant and Respondent to try to resolve the matter informally.
2. After this fact-finding investigation, if the complaint is unresolved, Management will prepare a letter to the Respondent, giving the details of the complaint and asking for cooperation or compliance within a reasonable period. This letter shall state the following:
 - (a) The alleged violation;
 - (b) The action required to abate the violation; and
 - (c)
 1. A time period of not less than 10 days during which the violation may be abated without further sanction if the violation is a continuing one; or
 2. A statement that any further violation of the same provision may result in the imposition of a sanction after notice and hearing if the violation is not continuing.

A copy of this letter will be given to the Chair of the Member Complaints Panel.

3. If a certain date for compliance has been given in the letter, Management will review the situation after that date to see if corrective action was taken. If the matter has been resolved, no further action will be needed.
4. If a complaint is not resolved, Management, if appropriate, may recommend Community Mediation to the Complainant(s) and Respondent. A free, voluntary mediation service is available through the City of Greenbelt and may be recommended before the matter is referred to the Member Complaints Panel. This process is confidential and utilizes trained mediators outside of the

Cooperative. If a resolution is reached through the process of mediation, the parties involved will sign a written agreement. If the Respondent subsequently breaches the agreement and the complaint is brought back to Management, the matter may then be referred to the Member Complaints Panel, along with a copy of the agreement, for further action, as appropriate.

E. REFERRAL TO COMPLAINTS PANEL

If informal action by Management, or Community Mediation, does not resolve the complaint, the matter will be referred to the Chair of the Member Complaints Panel. The Member Complaints Panel is a committee created by the Board, which consists of not less than three members of the Board. The Panel will review the matter and will decide what, if any, course of action should be taken by the Corporation. Usually, the Panel will meet with the Respondent and any Complainants. In exceptional cases, if the complaint is of such a nature that urgent action is needed, the Panel may recommend an early meeting between the Board, any Complainants, and the Respondent.

F. MEETING WITH COMPLAINTS PANEL

1. If a meeting is necessary, Management will set a date for the meeting with the Panel, with the Respondent and with any Complainants who will be attending. To encourage an open and amicable discussion to resolve the matter, neither the Respondent, nor any Complainants, may have legal counsel present at this meeting. Likewise, legal counsel for the Corporation will not be present at the meeting.
2. At the meeting, the Panel members will be introduced by the Chair. The Chair then will explain the agenda for the meeting as follows:
 - a. Management will provide a summary of the complaint and any related correspondence leading to the meeting.
 - b. The Chair will ask any Complainants in attendance and the Respondent for any additional relevant information that may not have been covered by Management.
 - c. Panel members may ask for such additional information needed for them to come to a fair decision.
 - d. The Panel will discuss the complaint with any Complainants and with the Respondent and will seek to arrive at a mutually satisfactory resolution.

G. COMPLAINTS PANEL'S ACTION

The Panel will consider all information presented at the meeting, or presented in writing. The Panel may recommend to the Board:

1. That no action is needed as the complaint was not valid or that the Respondent has agreed to take corrective action, or
2. That the Board should hold a formal hearing with the any Complainants and the Respondent, and with any witnesses called for the purpose of determining the merits of the complaint, and should make a decision as to any formal action to be taken.

H. FORMAL HEARING

If the Board of Directors resolves to hold a formal hearing with the Respondent and any Complainants, the Corporation may have its legal counsel present, and the Respondent may have a person to assist them, or may have legal counsel, present at the hearing.

1. Notification

Management will notify all parties, i.e., and Complainants and the Respondent, of the hearing. The letter of notification shall be sent not later than 10 days before the date of the hearing and may be hand-delivered, sent by a recognized overnight courier service with confirmation of delivery or sent by certified mail-return receipt requested. This notification shall include the time, date and place of the hearing; notice of the right of the Respondent to present evidence and witnesses; notice of the right of the Respondent to have someone present to assist or to have legal counsel present at the hearing; the text of the regulation, bylaw or other provision that is alleged to have been violated; a summary of the complaint; and a summary of the possible actions that might be taken by the Corporation after the hearing, including possible legal action and notice of the Corporation's power to terminate Membership for violations, under the Mutual Ownership Contract and under Article III, Section 4b of the Corporation's Bylaws.. The notice also shall state that the Board may proceed with the hearing and may make a decision on the matter if the Respondent is not present at the hearing. If the Respondent notifies Management in writing that he/she wishes to attend the hearing, but, for good and sufficient reasons, cannot attend at the scheduled time or date of the hearing, the Board may reschedule the hearing and shall notify all parties of the rescheduled date and time.

2. Hearing Procedures

The hearing shall be held in executive session. At any hearing, the Board may require any witnesses for the Complainants and the Respondent to wait outside the hearing room until they are called to speak. The President of the Board will act as Chair for the hearing. The hearing must be attended by a quorum of the Corporation's Board of Directors, representatives of the Management and the Corporation's recording secretary, and may be attended by Audit Committee members, by any Complainants and by the Respondent, who may have an assistant or legal counsel present. The Corporation may have its legal counsel

present. Witnesses may be called in individually at appropriate times. Proof of notice of the hearing shall be included in the minutes of the hearing, consisting of a copy of the notice, together with a statement of the date and manner of the delivery of the notice. The requirement to include proof of notice in the minutes shall be satisfied if the minutes state that the Respondent, or the Respondent's attorney or other authorized representative, appeared at the hearing. If proper notice of the hearing has been given to the Respondent, the Board may proceed with the hearing, and may make a decision on the matter, whether or not the Respondent is in attendance. During the formal meeting, a transcript of the proceedings will be made. A copy of the transcript will be made available to the Respondent if he or she decides to appeal the decision to the membership.

3. Hearing Agenda

- a. The President will introduce Board members and others present.
- b. The President will explain the purpose of the hearing, will explain the seriousness of the matter, and will caution those present to keep all matters discussed at the hearing confidential.
- c. The President will explain that the decision made by the Board after the hearing may be appealed to the Corporation's membership at a membership meeting.
- d. A Management representative will summarize the facts of the complaint and any provisions of the rules or other governing documents alleged to have been violated and will summarize Management's investigation, the correspondence and any other relevant information obtained by Management before the hearing. The Management representative will respond to any questions about that the Board of Directors or others may have.
- e. The President then will ask any Complainants to make any statements or provide any additional information that may be appropriate for the Board's consideration, and to present testimony from any witnesses.
- f. The Respondent and his or her assistant or attorney then will be given an opportunity to make any statements or provide any additional information that may be appropriate for the Board's consideration, and to present testimony from any witnesses.
- g. The Respondent and his or her assistant or attorney also shall be permitted to ask questions of Management or of any Complainant or witness about their statements or evidence. These questions must be directed to the President, who then will ask the appropriate person to respond.

- h. The Corporation's legal counsel, if present, and Board members may direct questions to any Complainants, to any witnesses and to the Respondent.
- i. At the conclusion of the presentations of evidence and witnesses, the Complainant may present a concluding statement, as may the Respondent or his or her assistant or legal counsel.
- j. The President then will adjourn the hearing and excuse all persons in attendance.
- k. After the Complainants, the Respondent and any witnesses or others have departed, the President shall reconvene the Board in executive session, with Management, the Corporation's legal counsel (if in attendance), and any Audit Committee members in attendance.

I. BOARD DECISION

In this executive session, the Board will discuss the evidence and any other information presented at the hearing and will reach a decision. The proposed decision shall be presented as a formal motion which may include but is not limited to one of the following:

1. To dismiss the complaint because of lack of sufficient evidence or because of other sufficient reasons,
2. To allow a certain additional time for the Respondent to correct the matter which was the subject of the hearing before enforcement action is taken by the Corporation,
3. To direct Management to initiate action to terminate the member's Mutual Ownership Contract within a reasonable period, and, if necessary, to initiate legal action to have any occupants evicted from the unit.
4. To file a formal action for administrative or judicial relief.

A two-thirds vote of the entire Board is required to terminate a Mutual Ownership Contract. Other actions require only a majority vote of those Board members present at the hearing. The Board's decision, including any sanction or other action to be taken, shall be included in the minutes of the hearing.

A formal letter will be written by the Manager to the Respondent notifying him or her of the Board's decision and of any action to be taken. The letter may be hand-delivered, sent by a recognized overnight courier service with confirmation of delivery or sent by certified mail- return receipt requested. If the letter states that the Board has directed a termination of the Mutual Ownership Contract, the letter will summarize the member's right to appeal the Board's decision to the Corporation's membership at the next special or annual membership meeting (Section 4b, Article III of the GHI Bylaws). A letter also will be written to any Complainants summarizing the Board's action.

J. MEMBER'S APPEAL TO THE MEMBERSHIP

1. Notification

If the Board decides to terminate a member's Mutual Ownership Contract, and if the member intends to appeal the Board's decision to the Corporation's membership, the member must notify Management, in writing and within ten (10) days after delivery of the Corporation's letter notifying the member of termination. If the member notifies Management of the intention to appeal the Board's decision to the membership, Management shall notify the Board. The Board then will decide whether this appeal will be heard at the next Annual Membership Meeting or whether circumstances require a Special Membership Meeting in advance of the Annual Membership Meeting.

2. Membership Meeting - Board Presentation

At the Annual or Special Membership Meeting, the members present will be notified of the Respondent's appeal. A representative of the Board or Management then will make a presentation summarizing the evidence and the basis for the Board's decision to terminate the member's Mutual Ownership Contract.

3. Membership Meeting - Member Presentation.

The member, or the member's attorney or assistant, may make a presentation to the membership, explaining the reasons for the appeal. A period of time will be provided for the members present to ask for additional information from the Board or the member to help them reach a fair decision.

4. Membership Meeting - Vote on Appeal

After the conclusion of the presentations and question period, a "show of cards" vote will be taken to determine whether or not the membership supports the Board's action to terminate the contract. This decision of the membership is final.