



## **CONSENSUS PROCEDURES**

**Document Code: GBI-PRO 2019-1C**

**Reaccreditation – September 2019**

# GBI CONSENSUS PROCEDURES

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## 1.0 General

- 1.1 **Intent** – These procedures apply to developing, revising, approving, reaffirming and withdrawing standards developed by the Green Building Initiative (GBI).
- 1.2 **Scope** – GBI’s scope of involvement in standard development is to develop and maintain consensus standards for environmentally preferable design, construction and upkeep of buildings.
- 1.3 **Standards Maintenance** – All Standards shall be reaffirmed, revised, or withdrawn within 5 years from the original standard approval date, and every five years thereafter.

### 1.3.1 **Continuous Maintenance of American National Standards** –

Continuous maintenance is defined as the maintenance of a standard by consideration of recommended changes to any part of it according to a documented schedule for consideration and action by the Consensus Body. The Standard shall be maintained by an accredited standards developer. A documented program for publication of revisions shall be established by the standards developer. Processing of these revisions shall be in accordance with these procedures. The published standard shall include a clear statement of the intent to consider requests for change and information on the submittal of such requests. Procedures shall be established for timely, documented consensus action on each proposal for change and no portion of the Standard (other than, for example the Foreword, which is labeled appropriately as not being subject to public review) shall be excluded from the revision process. Where no revisions are issued for a period of four years, action to revise, reaffirm, or withdraw the standard shall be initiated in accordance with the procedures contained herein.

Where a BSR-8/108 not been submitted for an American National Standard under continuous maintenance within five years of its approval, the standards developer may request an extension, but shall then maintain the ANS under periodic maintenance.

**1.3.1.1 Record Retention** – Records shall be retained for a minimum of five (5) years or until approval of the subsequent revision or reaffirmation of the complete standard.

**1.3.2 Reaffirmations** – A Standard shall clearly indicate on its cover or title page that it is a reaffirmation. A Standard designated as “reaffirmed” shall not contain substantive changes to the main text of the Standard. Substantive changes to text that is informative only and do not contain mandatory requirements necessary for

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conformance to this Standard are permissible, examples include: Foreword, Appendix, Informational References and Recommended Documentation.

**1.3.3 Pre-draft Standard** – A draft of a revised Standard or a new Standard or part thereof that has not achieved consensus among the Consensus Body members is a Pre-draft Standard. A Pre-draft Standard is used to determine consensus among the Consensus Body members on the revisions to a proposed new standard. Consensus among the Consensus Body members on a Pre-draft Standard determines the content of a Draft Standard.

**1.3.3.1 Assembly of Pre-draft Standard** – The Secretariat shall assemble a Pre-draft Standard incorporating the changes that were developed by the Secretariat and/or Standards Committee. Upon approval of the Standards Committee, the Pre-draft Standard shall be processed as follows.

**1.3.3.2 Processing of a Pre-draft Standard** – A Pre-draft Standard shall be circulated to the voting members of the Consensus Body for a minimum of fourteen (14) calendar days for a vote to approve the Pre-draft Standard for public comment and ballot comments. The entire content of the Pre-draft Standard for a new standard is open for ballot and comment. Ballot comments shall cite in detail the reason for the ballot comment.

**1.3.3.3 Processing of Ballot Comments** – All comments shall be circulated to the Consensus Body for consideration. No formal response or action is required regarding comments on Pre-draft Standards. However, changes may be made by majority vote excluding abstentions. Where substantive changes are made, a second ballot shall be circulated to the voting members of the Consensus Body for a minimum of fourteen (14) calendar days to afford the voting members of the Consensus Body an opportunity to respond, reaffirm or change their vote to approve the document as a Draft Standard. Where no substantive changes are made, a second ballot need not be circulated.

**1.3.4.4 Reporting of Formal Actions** – An approved Pre-draft Standard will become a Draft Standard. Notice for public comment on the Draft Standard shall be published in ANSI Standards Action.

**1.4 American National Standards** – GBI shall conform with the *American National Standards Institute (ANSI) Essential Requirements* and submit all ANSI required forms when intending to develop American National Standards.

**1.4.1 Antitrust Policy** – American National Standards shall be developed in accordance with applicable antitrust and competition laws and meetings amongst competitors to develop American National Standards are to be conducted in

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accordance with these laws.

## 2.0 Organization

**2.1 Standards Committee** – The Standards Committee is responsible for forming and administering the Consensus Bodies and the development, preparation, revision, reaffirmation, withdrawal – and submittal to the Board of Directors or its designee for approval – of GBI standards actions. The Board of Directors or its designee will counsel and offer guidance to the Standards Committee. The Standards Committee also responds to procedural appeals (see Section 7.0 Procedural Appeals).

**2.1.1 Standards Committee Membership** – The Standards Committee shall be comprised of a minimum of five (5) individuals with appropriate knowledge and expertise. The GBI Director of Compliance and/or another GBI staff member may participate as non-voting members. The Standards Committee members may not serve as voting members of any GBI Consensus Body during their tenure on the Standards Committee and may not have served as voting members of any GBI Consensus Body in the prior revision cycle.

**2.2 Consensus Bodies** – Consensus Bodies shall be established by GBI and will be responsible for developing, maintaining, approving and achieving consensus on GBI standards. Consensus Body will be established for each Standard to be developed.

**2.2.1 General Membership** – membership on a GBI Consensus Body is open to all interested parties and shall be sufficiently diverse to ensure reasonable balance and to prevent dominance by any single interest group.

**2.2.2 Application** – Individuals seeking membership on a Consensus Body shall submit a completed application to the Secretariat indicating their interest in the work of the Consensus Body and their qualifications, willingness to participate, and affiliations that might impact their classification. Applicants shall identify their interest category (see 2.2.3 Interest Categories). GBI will confirm that selection is in conformance with 2.2.3 and will notify applicants if a change to requested interest category is warranted.

**2.2.3 Interest Categories** – All members shall be classified:

- a) Producer – a representative of those that produce materials, products, systems, or services covered in the project scope.
- b) Users – directly involved in designing, constructing or in the use or operation

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of environmentally preferable buildings: owners, builders, developers, architects, engineers, insurance companies, disability rights advocates, facility managers, utilities, government, property management companies and building consultants.

- c) General Interest – variety of perspectives that may include: academia, scientists, technical societies, consumer groups, environmental groups, and other subject matter experts.

**2.2.4 Processing Applications** – The Secretariat shall promptly process all membership applications and recommend appropriate action to the Standards Committee. The Standards Committee shall review all applications and resumes/biographies and accept, decline, or put into queue all applications.

In accepting, declining, or putting into queue applicants, consideration shall be given to the following:

- a) The degree to which members of the organization are materially affected by the requirements of the standard;
- b) The extent of interest expressed and the willingness to participate in good faith and in accordance with GBI's Code of Conduct, including ability to attend in person meetings or provide a qualified voting alternate or proxy;
- c) Whether an official representative of the organization has endorsed the member and the alternate to serve on the Consensus Body;
- d) Need for active participation by members of each interest group;
- e) Balance as defined in 2.2.5 and potential for dominance by members of a single interest group; and
- f) Qualifications and ability to materially contribute to the work of the Consensus Body.

Applicants will be notified via email of their acceptance, decline, or placement in the queue and may inquire with the Secretariat at any time in relation to their status.

**2.2.5 Balance** – The standards development process should have a balance of interests. Participants from diverse interest categories shall be sought with the objective of achieving balance. Criteria for balance is that no single interest category shall constitute a majority of the membership of the consensus body. However, temporary imbalance can exist due to membership resignations, illnesses or other unforeseen circumstances. No letter ballots on the Standard will be issued during periods of Consensus Body imbalance.

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### **2.2.6 Vacancies** – procedures for filling vacancies are as follows:

- a) Applications previously submitted for an interest category vacancy will be first considered applications, and the relevant application(s) will be referred to the Standards Committee for consideration (see 2.2.4 Processing Applications).
- b) The Standards Committee will vote to elect a new Consensus Body member to fill the vacant slot.
- c) Where there are multiple vacancies, a slate of candidates may be elected.
- d) The new-Consensus Body member(s) shall be considered elected by a majority of affirmative responses being received by the Secretariat. A quorum of Standards Committee members must have responded (see 3.3 Quorum).
- e) Closing date for these letter ballots is fourteen (14) calendar days after emailing of the ballots. The Standards Committee Chair may grant extensions.

### **2.2.7 Consensus Body Size** – The Secretariat shall consider and may recommend reasonable limits on the size of any Consensus Body. To ensure administrative manageability and balance of expertise of any Committee, the suggested minimum is 9 and suggested maximum is 24 not including the Chair.

### **2.2.8 Defraying Participation Expenses for Consensus Body Members** – To encourage and facilitate broad participation by Consensus Body members, representatives of consumer groups, sole proprietors, or organizations with fewer than 5 employees may apply to have some portion of meeting travel costs covered where funds are available. Application to cover costs of travel and to cover any additional meeting preparation costs shall be made to the Secretariat.

### **2.2.9 Defraying Participation Expenses for Chair or Vice Chair** – Consensus Body Chair or Vice Chair qualify to have the costs of meeting preparation associated with their role reimbursed. Application to cover costs shall be made to the Secretariat.

### **2.2.10 Members Per Organization** – There shall be a limit of one voting member from each company or organization. In rare circumstances, and only when accepted by affirmative vote of two thirds of committee members, a company or organization may have two representatives, and these representatives must be in different interest categories.

### **2.2.11 Voting Alternate** – Organizations may choose a principal representative and a voting alternate to fulfill membership obligations should the primary representative be temporarily unable to participate.

### **2.2.12 Consensus Body Officers Chair, Vice Chair and Secretary** – The Secretariat

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(Secretary) shall appoint a Chair and Vice Chair from the individual members of the Consensus Body subject to approval by a majority vote of the Standards Committee. Officers shall serve three-year terms and may be re-appointed. The Secretariat shall not be a member of the Consensus Body and is not subject to Standards Committee approval (see Section 2.3 Secretariat).

**2.2.13 Term of Membership** – Membership terms for Consensus Body members shall be three years. Membership renewals shall be approved by the Standards Committee. Terms may be staggered at the discretion of the Standards Committee when forming or reforming a Consensus Body.

**2.2.14 Review of Membership** – The Secretariat shall establish and review the membership roster annually and report to the Consensus Body documenting the classification of each Consensus Body member and the achievement of balance. Members may be terminated under the following conditions:

- a) automatic termination for failure to return two successive ballots, or
- b) automatic termination, after receiving prior warning, for failure to participate in at least 40% of scheduled meetings within any twelve-month period, or
- c) failure to comply with the GBI Code of Conduct.

**2.2.15 Changes in Employment** – Consensus Body members shall notify the Secretariat of any changes in employment affecting representation and shall submit a new application where continued membership on the Consensus Body is desired.

Where a change in employment of a Consensus Body member does not lead to a change in interest category or balance, the Committee member's application under the new employer may be approved by the Consensus Body Chair or Secretariat.

Where the change in employment of a Consensus Body member also leads to a change in interest category classification (see 2.2.3 Interest Categories), the Consensus Body member will be required to update the application and resubmit it for approval by vote of the Standards Committee. The Secretariat may determine if, for balance or qualifications, alternative approved applicants should be considered instead of, or in addition to, the re-applying prior Consensus Body member.

Where the change in employment affects the Consensus Body's balance of interests, the following process will be followed:

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2.2.15.1 The Consensus Body member will continue to serve on the Consensus Body until a Standards Committee vote determines their membership status.

2.2.15.2 A Consensus Body member will not be removed from the Standards Committee during times of open ballots.

**2.2.16 Subcommittees and Task Groups** – Subcommittees and Task Groups may be established by the Standards Committee, Chair, Secretariat or Consensus Body for the purpose of assisting in drafting standards, considering comments or negative votes on portions of the standard, considering appeals and other advisory functions.

2.2.16.1 Membership on Subcommittees may include persons who are not members of the main Consensus Body.

2.2.16.1 Balance is not required for Subcommittees.

2.2.16.2 Subcommittee Chairpersons shall be members of the main Consensus Body and shall be appointed by the Consensus Body Chair.

2.2.16.3 Subcommittee members shall be appointed by the Subcommittee Chair, with the concurrence of the Secretariat. Task Groups may be formed to review proposals and/or resolve specific objectives throughout the process in support of the work of the Standards Committee, Consensus Body and/or Subcommittees. Members may be appointed by the Chair of the Standards Committee, Chair of the Consensus Body, Subcommittee Chair, Secretariat or Consensus Body. Task Groups shall report the results of their efforts in one or more public meeting but are not required to conduct calls or meetings in open or public forums. Balance is not required for Task Groups.

2.2.16.4 Task Groups may be disbanded once the project or task they were charged to address is complete.

2.2.16.5 Any group of two or more individuals, other than a Subcommittee, that is created to assist in the work of a Consensus Body regardless of how it is referred to in the minutes of a meeting is considered a Task Group.

**2.3 Secretariat** – GBI shall be responsible for maintaining the Secretariat for all Consensus



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Bodies. The Secretariat shall:

- a) Organize the Consensus Bodies.
- b) Oversee compliance with these procedures.
- c) Maintain rosters of any Consensus Bodies, Subcommittees, and Task Groups and a list of their specific responsibilities.
- d) Perform administrative work including arranging meetings, preparation and distribution of agendas, minutes, ballots, draft standards and maintaining adequate records.
- e) Submit candidate standards approved by the Consensus Bodies and any other required information to ANSI for review and approval as an American National Standard.
- f) Publish approved standards and subsequent revisions.
- g) Perform other administrative functions as required.

**3.0 Meetings** – Consensus Body meetings may be held to conduct business, such as making assignments, receiving reports of work, addressing public comments, considering draft standards, resolving differences among subgroups, and considering views and objections from any source. The Chair shall have the authority to adjust discussion time as necessary to complete the meeting agenda.

**3.1 Frequency and Location** – Consensus Body meetings shall be held as decided upon by the Standards Committee, Consensus Body, the Chair, the secretariat, or by petition of five or more members. Locations shall be convenient for all members and may include teleconference or webinar meetings. Subcommittee meetings may be called by the Chair of the Subcommittee with approval of Consensus Body Chair and/or the Secretariat.

**3.2 Notification** – At least thirty (30) calendar days written notice shall be given by the GBI Secretariat for in-person meetings of all GBI Consensus Bodies, and at least seven (7) calendar days' notice for teleconference meetings of the Consensus Body or Subcommittees. An agenda shall be prepared and distributed with the meeting notice. Working groups may schedule meetings at the convenience of the majority of the group's members.

**3.3 Quorum** – A majority of members shall constitute a quorum. Alternates representing a member can vote in place of members where a signed proxy is provided or where the alternate was formally included on the application at the time of the member's appointment to a Consensus Body. Proxies can only be exercised in a manner consistent with the balance criteria stipulated in Section 2.2.5 Balance; the proxy must be made by another member of the same interest category as defined in Section 2.2.3. An individual

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shall not carry more than one proxy vote at a time. Where a quorum is not present the Committee can take actions, but such actions are not made official until approved by letter ballot or at a subsequent meeting.

- 3.4 Participation** – Where attendance by a member is not possible and no voting alternate or proxy is available, written commentary may be submitted in advance of the meeting. Such materials should be submitted to the Secretariat at least six (6) calendar days in advance of the meeting to ensure timely distribution. Voting during meetings will follow the procedures outlined in Section 6.2 Voting at Meetings.
- 3.5 Openness** – except for Executive Committee or Task Groups (see 3.6 Executive Committee and 2.2.16 Subcommittees and Task Groups) all meetings of Consensus Bodies and meetings of all Subcommittees shall be open to interested parties. For planning purposes, interested parties shall strive to notify the Secretariat at least six (6) calendar days in advance of their intent to attend virtual Consensus Body and Subcommittee meetings and at least ten (10) calendar days in advance of their intent to attend in-person meetings. Interested parties shall be permitted to address the Consensus Bodies /Subcommittee during open comment periods on the agenda but shall not have the right to vote on any matter. The chair may limit interested parties' speaking time as necessary. The Consensus Body and Subcommittees have the option of excluding visitors exhibiting disruptive behavior (e.g. preventing due process of the Committee, attempting to remove the Committee's focus from developing an American National Standard, repeated attempts to prevent the development of the Standard itself) from attending future meetings by a two-thirds vote.
- 3.6 Executive Committee** – The executive committee of GBI Consensus Bodies shall consist of the Chairs of the Consensus Bodies, Vice Chairs of the Consensus Bodies, Chairs of Subcommittees, Vice Chairs of Subcommittees, or their designees, and the Secretariat and shall be permitted for the purpose of considering administrative issues and similar issues to meet in closed sessions.
- 3.7 Recording** – Meetings may be recorded by GBI for the purpose of drafting minutes. Recordings will be shared only with GBI staff, consultants, or participants who are writing minutes for that meeting. No additional recordings are permitted without written consent of GBI.
- 3.8 Documentation** – Unless a Consensus Body member, Subcommittee member, or Task Group member has received written permission from the Secretariat, documents shared in the proposal or drafting stages are not permitted to be shared. The Secretariat will post documents approved for public comment on GBI's website. Parties that make inquiries about proposals or draft documents should be referred to or contact directly the Secretariat

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and indicate their interest in participation.

**3.9 Parliamentary Procedures** – Robert’s Rules of Order (11<sup>th</sup> edition) shall apply on questions of meeting procedure.

**4.0 Public Review** – Also see Section 4.11 Substantive Changes to a Standard.

**4.1 Notification that Standard Will Be Developed** – At the initiation of a project to develop or revise an American National Standard, notification shall be made to ANSI using the Project Initiation Notification System (PINS) form. In accordance with the ANSI Essential Requirements this will include an explanation of the need for the standard and an identification of the affected stakeholders. Any comments arising from the PINS will be addressed in accordance with clause 2.5 of the ANSI Essential Requirements.

**4.2 Public Review on Standard** – Proposals for developing new American National standards or revising, reaffirming, or withdrawing existing American National standards shall be open to public comment and notification shall be made to ANSI using the BSR-8 (Standards Action Public Review Request Form). At a minimum, public review periods shall occur for the purposes of eliciting broader comment and agreement on the Committee’s work. Public review and balloting may be performed concurrently.

**4.3 Processing Comments** – Individuals who wish to submit a public comment shall complete a Proposal for Change/Public Comment Form and return the form to the Secretariat via email or by electronic submission using a method or location designated by the Secretariat. The Proposal for Change/Public Comment Form shall be available from the Secretariat upon request and/or online. The Secretariat shall process comments and distribute each comment, in its entirety, to the Consensus Body. The Secretariat may seek assistance from the Consensus Body and/or Subcommittee Chairs in preparing responses for consideration by the Consensus Body. The Secretariat and/or the appropriate Chair may obtain further information from the commenter or attempt to correspond with the commenter directly. All public review commenters will be informed in writing of the Consensus Body’s response to their comments.

Where multiple proposals for change/public comments are received with the same recommendation and with similar substantiation for the proposed change/public comment, the Secretariat may combine these proposed changes/public comments into a single or several comments with multiple submitters. The statement of the problem and the substantiation for the comment shall be a general summary of the submitted material prepared by the Secretariat.

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Where substantive changes to the Standard are approved then the changes are subject to a new public review period and a letter ballot.

- 4.4 Legislative Text Formatting** – Recommended changes to the text of a standard with revisions shall be shown with strikethrough text for deletions (~~strikethrough~~) and underlined text for additions (underline).
- 4.5 Editorial Comments** – Proposals for change/public comments that are editorial in nature shall be reviewed by the Secretariat. The Secretariat may review editorial comments with the appropriate Subcommittee or Consensus Body Chair. Editorial comments shall be presented to the Consensus Body for consideration and no formal action is required by the Consensus Body. The Secretariat shall communicate to the submitter of the proposed editorial change the determination regarding their comment. The Secretariat shall incorporate the proposed editorial change(s) into the Standard as applicable.
- 4.6 Non-Conforming** – A public comment that is not in conformance with Section 4.4 Legislative Text Formatting or does not include the required information on the Public Comment Form may be classified as Non-Conforming. The Secretariat shall report those public comments that are Non-Conforming to the Consensus Body for consideration. No formal action is required by the Consensus Body on public comments determined to be Non-Conforming. The Secretariat shall communicate the determination of the Consensus Body to the submitter of the Non-Conforming public comment.
- 4.7 Actions on Comments** – Consensus Body shall be made aware of all proposals for change/public comments. All commenters will be informed in writing of the disposition of their comments. The Consensus Body shall vote on responses to proposals/comments received in compliance with Sections 4.3, 4.4, and 4.5. Proposed responses may be drafted by the Secretariat, Consensus Body Chair or Vice Chair, Subcommittee Chair, full Subcommittee, or a Task Group as appropriate for consideration by the Consensus Body. Whenever possible, comments receiving the same response should be bundled for consideration and action via a single vote. Actions taken should be one of the following:
- a) Accepting the comment – the proposed change is made,
  - b) Accepting as modified – a change different from the proposed change is made. A reason shall be provided explaining why the proposal is modified,
  - c) Rejecting the comment – the proposed change is not made. A reason shall be provided explaining why the proposal is rejected,
  - d) Answering the comment – the comment poses a question with no specific request for technical revision. An answer shall be provided to the commenter,
  - e) Acknowledging the comment – there is no specific proposed change in the comment.

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The Consensus Body recognizes and acknowledges the comment and no changes are made as a result of the comment.

- 4.8 Response to Actions Taken** – At the time that commenters receive the written disposition of their comment, commenters shall be notified that they have fourteen (14) calendar days to submit any objection to the response. Where no objection is received within fourteen (14) calendar days the comment is considered resolved and no further action is required. Where the Secretariat is notified of an ongoing objection, the objection shall be processed in accordance with Section 5.0 on Objections.
- 4.9 Withdrawn Comments** – Where a public comment is withdrawn, the commenter shall indicate in writing to the Secretariat that they are withdrawing the comment. The Secretariat will document the comment as Withdrawn and no further action is required.
- 4.10 Proposals with Legal or Safety Risks** – GBI reserves the right to reject a proposal submitted for a standard if, in the exercise of GBI’s judgment, the publication of the proposed requirements would pose an overriding safety hazard or a legal risk for GBI. If the decision is made to reject a proposal, GBI will respond to the request with a letter that explains the safety or legal reason for not processing the proposal. Such a decision is final (not appealable).
- 4.11 Substantive Changes to a Standard** – A substantive change in a proposed American National Standard is one that directly and materially affects the use of the standard. All substantive changes made to the Standard shall undergo a letter ballot and public review.
- 5.0 Objection** – Objections are submitted following a Consensus Body response to a proposal for change/public comment that is not deemed satisfactory by the commenter or as a negative with reasons letter ballot by a Consensus Body member.
- 5.1 Addressing Objections** – Objections shall be submitted to the Secretariat in writing using a form provided by the Secretariat upon request. The Secretariat shall respond, in writing, within thirty (30) calendar days to each objection summarizing the issue raised and providing information relevant to the issue and next steps in working to resolve the objection. All objections shall be referred by the Secretariat to the Consensus Body Chair or Subcommittee Chair responsible for the part of the Standard in question. The Secretariat and respective Chair(s) shall attempt informal resolution. Attempts at informal resolution may include meetings or written correspondence. The Secretariat will send a written summary to the objector summarizing attempts at resolution and inquiring whether the objection is resolved.

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- 5.1.1 Objections Considered Resolved** – An objection to a public comment response may be considered resolved where the objector does not reply in writing that they remain unresolved within fourteen (14) calendar days of the date of the Secretariat’s written response, summary, or written disposition regarding attempts to resolve the objection. The objector shall be notified of deadlines in applicable communications. Objections submitted as negative reasons from a letter ballot or recirculation ballot on the Standard shall be considered unresolved unless the objector indicates in writing that they are resolved. Once an objection is resolved, it shall be documented as resolved and no further action is necessary.
- 5.1.2 Unresolved Objections** – Where an objection remains unresolved after attempts to resolve, the Consensus Body shall respond to the unresolved objection. Such a response may include one of the items listed in Section 4.7. The Secretariat will provide a written disposition for each unresolved objection following Consensus Body response noting attempts at resolution, changes made or Consensus Body response to the unresolved objection as a final attempt to resolve objection.

Additionally, all unresolved objections from Consensus Body voting and from the public review process shall be recirculated to the Consensus Body noting the reason comment is unresolved, attempts at resolution, and any proposed substantive changes to afford the Consensus Body members the opportunity to respond, change, or reaffirm their votes (see 6.4 Recirculation Letter ballot). See Section 4.11 Substantive Changes to a Standard where substantive changes are made in processing objections.

### 6.0 Voting

- 6.1 Voting Options** – Voting may take place during meetings including teleconference and webinar meetings and/or via written letter ballot.
- 6.2 Voting at Meetings** – Generally, votes taken during Consensus Body meetings on proposed changes, responses to proposals for change or public comments, and the reaffirmation of an existing standard are intended to establish a sense of agreement and are not considered consensus among the committee members unless the vote is a formal ballot in accordance with Section 6.3. Votes taken during meetings to establish a sense of agreement shall be considered approved or disapproved based on the votes of a majority of voting members at the meeting. In calculating the vote, those who abstain, those who are not present when the vote is taken (and without alternate or proxy), and those not

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eligible to vote shall not be included in the calculation.

- 6.3 Letter Ballots** – Approval, revision, reaffirmation, withdrawal, substantive changes and interpretations of published standards shall be approved by written letter (including electronic) ballot.
- 6.4 Recirculation Letter Ballot** – All unresolved objections from Consensus Body voting and from the public review process shall be recirculated to the Consensus Body noting the reason for objection, attempts at resolution, and any substantive changes to afford the Consensus Body members the opportunity to respond, change, or reaffirm their votes. Consensus Body members who wish to maintain their original vote on the Standard are not required to return a recirculation ballot.
- 6.5 Letter Ballot Vote** – Each member of the Consensus Body shall vote one of the following positions:
- a) affirmative,
  - b) affirmative with comment,
  - c) negative with reasons (with specific wording or action that would resolve the objection), or
  - d) abstain.
- 6.6 Letter Ballot Voting Period** – Closing date for letter ballots is fourteen (14) calendar days after distribution of the ballots. The Consensus Body Chair may grant extensions.
- 6.7 Approved Actions** – Approvals of, substantive changes and revisions to, reaffirmations, and withdrawals of all Standards shall be considered approved when all of the following conditions have been met:
- a) At least 50 percent of the members have returned their letter ballot,
  - b) At least 66 percent of the votes cast, excluding abstentions and negatives without reasons, are affirmative, and
  - c) All negative votes with reasons have been addressed in accordance with 6.9
- 6.8 Reporting Votes** – the results of each vote on standards shall be reported as follows:
- a) number of voting members,
  - b) number of affirmative votes,
  - c) number of negative votes with reasons,
  - d) number of negative votes without reasons,
  - e) number of abstentions, and

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f) number of unreturned ballots.

**6.9 Negative Votes With Reason** – Persons who cast a negative vote on a letter ballot shall be given the opportunity to provide a reason for their negative vote. Where a reason is provided, the negative voter may be considered an unresolved objector. Objections shall be processed per Section 5.0 Objections. Throughout processing, objections from negative reasons on a letter ballot shall be considered unresolved unless the Objector indicates, in writing, that they are resolved. Negative voters with reason that are resolved during the process shall not be offered the right to appeal.

**6.10 Negative Votes Without Reasons** – Any negative vote not accompanied by reasons shall be recorded as “negative without reason” and no further action is required. Negative voters who do not provide a reason for their negative vote do not have the right to appeal.

**6.11 Comments Accompanying Affirmative Votes or Abstentions** – The Consensus Body shall be made aware of all comments associated with affirmative votes and abstentions. See Section 4.11 Substantive Changes to a Standard where substantive changes are made in processing comments on a letter.

### 7.0 Procedural Appeals

**7.1 Fee** – The appeal shall be accompanied by a filing fee of USD \$1,200.00. This fee may be waived or reduced upon sufficient evidence of hardship.

**7.2 Persons with Direct/Material Interests** – Persons who have directly and materially affected interests and who have been or may be adversely affected by a substantive or procedural action or inaction of the Consensus Body or the Secretariat shall have the right to appeal. The Standards Committee will offer a “procedural” appeals process but is not required to offer a “technical” appeals process.

**7.3 Filing a Procedural Appeal** –The appellant shall file a written procedural appeal with the Secretariat using a form provided by the Secretariat upon request within fourteen (14) calendar days after the date of notification of any action or at any time with respect to inaction. The procedural appeal shall state the nature of the objection, the clause of these procedures or the sections of the Standard that are at issue, the action or inaction at issue, and the specific remedial action(s) that would satisfy the appellant’s concerns. The Secretariat shall send the written procedural appeal to the Standards Committee.

**7.4 Inappropriate Appeals** – Where the Standards Committee deems a request for an appeal



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to be inappropriate because it is based on technical rather than procedural issues, doesn't clearly cite a procedural violation, or is based on issues not under consideration by the ballot (such as objections to other parts of the Standard) or is otherwise without merit, the appeal may be dismissed without a hearing.

- 7.5 Procedural Appeals Panel** – If an appeal is not dismissed as inappropriate, the Standards Committee shall appoint an appeals panel to hold a hearing. The appeals panel shall consist of three individuals and may include two alternates who are members of the Standards Committee and have not been directly involved in the dispute and who will not be materially affected by any decision made in the dispute.
- 7.6 Appeals Hearing** – The appeals hearing shall be scheduled within forty-five (45) calendar days of receipt of the appeal by the Standards Committee. The date of the hearing may be included in a notice of the right to appeal. Appeals may be processed by letter ballot of the Appeals Panel without a hearing. The burden of proof to show adverse effect shall be on the appellant. If the appellant is not available on the date of the hearing, the appeal will be handled by review of appeal submittals and/or electronic correspondence.
- 7.7 Conduct of the Hearing** – The appellant has the responsibility of demonstrating improper procedural action or inaction, the adverse effects therefrom, and the efficacy of the requested remedial action. The Secretariat has the responsibility to demonstrate that the Consensus Body and/or Secretariat took all actions in question in compliance with these procedures.
- 7.8 Appeals Panel Procedures** – At the hearing, each side will be given equal time, for example 20 minutes (including rebuttal time), to present its case. Each side can have not more than three speakers. Other interested parties may attend but will not be permitted to speak. The appellant presents first, followed by the respondent. At the end of the presentation, the appellant side may use whatever time is remaining of their 20 minutes to rebut the respondent's comments. Following that, the respondent may use whatever time is remaining of their 20 minutes to rebut the appellant comments. Opportunity for re-rebuttal may be permitted at the discretion of the Appeals Panel where time allows. Following the presentations and rebuttals, the Appeals Panel is free to ask questions of both parties. Both parties shall limit their replies to just answering the questions. The two parties making and defending positions are not permitted to question or address each other.
- 7.9 Decision** – The appeals panel shall render its decision in writing within seven (7) calendar days of the hearing, based upon a preponderance of the evidence, stating its findings of fact and conclusions, with reasons therefore and citing the evidence. Consideration may be given to the following positions, among others, in formulating

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the decision:

- a) Finding for the appellant, remanding the action to the Consensus Body or the GBI Secretariat with a specific statement of the issues and facts in regard to which fair and equitable action was not taken;
- b) Finding for the respondent, with a specific statement of the facts that demonstrate fair and equitable treatment of the appellant and the appellant's objections;

The Appeals Panel decision may be reviewed by legal counsel before it is sent to the Secretariat. The Secretariat shall notify the appellant and the ~~Committee~~ Consensus Body of the decision of the appeals panel, which shall be binding and final on all concerned.

**8.0 Interpretations** – Requests for written interpretations must be submitted in writing on a form provided by the Secretariat or via other means approved by the Secretariat from the requesting party to the Director of Program Development and Compliance. The request shall include a statement with specific references to a single problem and a Section number of the Standard on which an Interpretation is requested.

**8.1 Processing Interpretations** – The Director of Program Development and Compliance may consult with experts including members of the Standards Committee and Consensus Body before issuing an interpretation.

**8.2 Reasons for Not Processing** – A request for interpretation will not be processed where such a request involves:

- a) A determination of compliance of a specific product, design or installation,
- b) A determination of compliance of an equivalency of protection,
- c) A review of a project's plans or specifications,
- d) A judgment or knowledge that is not readily available in the inquiry or which can only be acquired as a result of an on-site inspection,
- e) Text that clearly provides the requested information.
- f) Involves subjects that are not addressed in the Standard,
- g) Is unclear or is structured in a way that it contains assumptions that aren't directly supported by the Standard's text, or
- h) Contains compound questions, where the answers to one or more questions are contingent on answers to other questions, that can be confusing or complicated.

**8.3 Notification of Interpretations** – Where an individual requesting an interpretation has met the criteria above, notification of approved interpretations shall be sent in writing to the requester. A copy of the letter will be kept by the Director of Program

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Development and Compliance.

**8.4 New Proposals Based on Interpretations** – Interpretation decisions may be shared with Consensus Body or Subcommittees for consideration as proposals for change during future standards review processes.

**9.0 Records** – Consensus Body records concerning new, revised, or reaffirmed standards shall be retained for at least one complete standards cycle (until the standard is revised, withdrawn or reaffirmed). Records concerning withdrawn standards shall be retained for at least five years from the date of withdrawal.

## **10.0 Correspondence**

**10.1 Internal Committee Correspondence** – all official Consensus Body correspondence shall be distributed by the Secretariat. Correspondence from a Consensus Body or Subcommittee member to the entire membership of the Consensus Body or Subcommittee shall be forwarded to the Secretariat for approval and distribution.

**10.2 External Correspondence** – Inquires relating to the Consensus Body and Standards shall be directed to the Secretariat. Consensus Body members should advise individuals who contact them that responses to all inquiries are handled by the Secretariat.

**11.0 Metric Policy** – Any units found in GBI standards will be either U.S. customary units plus standard international units (metric units) or standard international units alone.

**12.0 Patent Policy** – Where any GBI standard requires the use of a patented invention the Consensus Body will follow ANSI's patent policy that clearly defines the influence a patent holder shall have on users of the standard (ANSI Essential Requirements Section 3.1).

**13.0 Commercial Terms and Conditions** – The GBI standard will follow ANSI's Commercial Terms and Conditions policy that clearly defines the use and appearance of commercial terms and conditions within the standard (ANSI Essential Requirements 3.2).

**14.0 Revisions to These Procedures** – These Consensus Procedures are maintained by the GBI. Proposed revisions to these Consensus Procedures may be submitted in writing by any GBI Member or GBI Committee to the GBI President along with a supporting rationale for the proposed change. The GBI President will present the proposed revisions to the GBI Board for review and consideration. The revised procedures are then submitted to ANSI for review and approval. Any approved revisions to these Consensus Procedures shall be effective upon vote of approval of the GBI Board and subsequent publication.