

Enforcement of GBI's Code of Conduct

Summary

Green Building Initiative's (GBI) Code of Conduct was developed during the revision of ANSI/GBI 01-2019 and in response to requests for stricter guidance on acceptable and unacceptable behavior. As detailed in the Code of Conduct, anyone concerned about a potential violation of the Code of Conduct can report concerns to any of the following individuals:

- Secretariat – Emily Marx, emarx@thegbi.org
- President & CEO – Vicki Worden, vicki@thegbi.org
- Chair, GBI Standards & Rules Committee – Brenda Steinhauer, bsteinhauer@warichardsonbuilders.com
- Chair, GBI Board of Directors – Alison Hoagland, ahoagland@mcknze.com

From time to time, questions arise as to the subjective nature of determining: “What is a violation of the Code of Conduct?” The following enforcement guidelines have been developed and reviewed by GBI's general counsel to provide mechanisms for fair resolution of matters involving GBI's Code of Conduct. GBI's Standards & Rules Committee is the sole arbiter regarding any enforcement action, and the decision of the Standards & Rules Committee for a matter involving the Code of Conduct is final and binding with respect to each participant involved in such matter.

Violations

From prior experience, many violations of the Code of Conduct are unintentional, such as a passionate plea during a call that may be considered “out of order” by Robert's Rules of Order or an interruption of another speaker. Occasionally, violations are more pronounced, such as denouncing an individual rather than objecting to the technical information provided. Rarely, there have been occasions where passion on a subject has led to intimidation tactics being used, such as shouting, yelling, stonewalling, aggressive and forceful pressuring so as to diminish another individual's interest in future participation, and emailing or calling individuals causing the potential for embarrassment or peer pressure regarding positions or votes taken. The latter examples are those most likely to be considered egregious violations.

Enforcement Actions

Although not required, GBI will generally use a progressive disciplinary process. GBI takes all violations and complaints of a potential violation seriously.

There is a three strikes policy. A participant is given two verbal warnings. If a third violation occurs (during one meeting or in subsequent meetings, the warnings are cumulative), the participant will be

“removed” from the current meeting (see Level 1 below) and will receive a written reprimand from the Secretariat that is copied to the GBI Standards & Rules Committee. Violations that occur outside of meetings (e.g., phone calls, emails, or other interactions deemed to violate the Code of Conduct) are treated in the same way but may generate a written reprimand in place of a verbal warning. There are three levels of potential removal from GBI’s process.

Level 1 – You have had three warnings and the Chair of a CB, Subcommittee or the Secretariat mutes you for the remainder of a call or meeting or you are asked to leave an in-person meeting. If technology allows, you may participate via a chat function. A written reprimand will be sent to you, copied to the Standards & Rules Committee, and a 90 calendar days probationary period will ensue. You may issue a written response to the reprimand to be shared with the Standards & Rules Committee. You will also be notified of the right to request a hearing with the Standards & Rules Committee. You will be able to participate fully in the next meeting.

Level 2 – You violate the Code of Conduct during the 90 calendar days probationary period. The Chair or Secretariat has the right to limit your participation to written participation for the duration of the revision process. You have the right to request a hearing with the Standards & Rules Committee.

Level 3 - Your violation is considered egregious by the Chair or Secretariat and you are asked to leave a meeting or end your participation in GBI’s process immediately. No participation option is provided. A written reprimand would follow, and a hearing would take place with the Standards & Rules Committee to determine next steps, which may include written participation only or exclusion from future meetings for the duration of the revision process if deemed warranted by the Standards & Rules Committee.

A participant that has violated the Code of Conduct may request a hearing with the Standards & Rules Committee by sending a written request for a hearing. A hearing date will be set within 10 to 60 calendar days of a request for a hearing or notification that a hearing is warranted. The hearing format will follow the format used for GBI appeals hearings (see Section 7 of GBI’s ANSI-approved consensus procedures), where the participant with restricted access to participation due to repeated unacceptable behavior or an egregious violation of the Code of Conduct may state their case. The decision of the Standards & Rules Committee is final and binding.

The Standards & Rules Committee may also request a hearing after receiving a copy of the Secretariat’s written reprimand or after receiving a copy of a participant’s response to a written reprimand. The GBI Chair of the CB or Secretariat may request a hearing to be conducted at any time if they determine that:

- There are extenuating circumstances and the Chair or Secretariat would like the Standards & Rules Committee to be the decision maker on whether a 90 calendar days probationary period is warranted.
- A violation during the 90 calendar days probationary period warrants an immediate response by GBI in the opinion of GBI's Secretariat or Chair.
- A violation is egregious, such as an act of intimidation intended to diminish or limit another participants' ability or willingness to freely participate in GBI's process, and the Chair or Secretariat would like the Standards & Rules Committee to hold a hearing to decide on future participation.

The Standards & Rules Committee has the right to determine if an egregious violation from one cycle of standards development warrants restricted participation in or exclusion from a future cycle.

FAQ for Guidance and Enforcement on the Use of GBI's Code of Conduct

Q: What is the purpose of the Code of Conduct? Why is it necessary?

A: Any participant in GBI's process whether a GBI member, Consensus Body (CB) member, Subcommittee member, Task Group member, or member of the public is subject to the restrictions of the Code of Conduct. The Code of Conduct is intended to protect the rights of all participants of GBI's meetings and consensus processes. The Code of Conduct outlines acceptable and unacceptable behavior during GBI meetings. It is necessary to demonstrate acceptable behavior during GBI meetings to ensure that all participants feel welcome and their contributions valued. The Code of Conduct provides structure and guidance to participants to help frame their discussions and debates. The Code of Conduct was first developed by GBI in response to debates that have been highly charged during GBI's consensus-oriented standards development meetings but apply to all GBI meetings.

Q: I am the Chair of a CB or Subcommittee and have a participant that forgot to raise their hand and instead interrupted me or the speaker. How should I respond?

A: The first step is to remind the participant that interrupting is a violation of the Code of Conduct. Instruct the individual how to properly interject information by raising their hand (e.g., electronically if not in person) and waiting for recognition from the Chair. If the individual continues to interrupt, provide another warning and notify them that their

participation may be limited if they cannot refrain from interrupting. The Chair or Secretariat is afforded the right to mute an online participant after three interruptions and that participant would be limited to participating via chat (in writing) during the remainder of the meeting. After a third warning or if egregious behavior results in a decision by the Chair or Secretariat to restrict participation, a written reprimand from the Secretariat will be sent to the participant following the meeting and copied to the GBI Standards & Rules Committee.

The only permissible interruptions are: Point of Personal Privilege, Point of Order, Request for Information, Point of Parliamentary Inquiry, Appeal from the Decision of the Chair, and Call for Orders of the Day.

Q: If I receive a verbal warning, can I still participate in meetings?

A: Yes. GBI still welcomes your participation at meetings. However, repeated unacceptable behavior will not be tolerated. If the warning is observed, participation may continue. After a third warning or depending on the severity of a violation, a written reprimand will be immediately issued (see Enforcement Actions Levels 1 through 3).

Q: What does a written reprimand signify? What happens after a written reprimand?

A: A written reprimand will be issued by the Secretariat and copied to the Standards & Rules Committee following three verbal warnings or as a result of a violation considered egregious by the Chair, Secretariat, or CB member. Following a written reprimand, a participant will be subject to a 90 calendar days probationary period starting the day that the last violation occurred. During that 90 calendar days period, if another violation occurs the participant's participation from that point forward in the GBI standards development process will be limited to participating in writing (e.g., through written submissions prior to a meeting or through chat functionality during a public meeting if available) and will be notified of the opportunity to have a hearing with the Standards & Rules Committee.

A hearing date will be set within 10 to 60 calendar days of a request for a hearing or notification that a hearing is warranted. The hearing format will follow the format used for GBI appeals hearings, where the participant with restricted access to participation due to repeated unacceptable behavior or an egregious violation of the Code of Conduct may state their case and invite one to three supporters to participate. In turn the secretariat, Chair of the CB, or other representative of GBI would present their side with up to three speakers. The decision of the Standards & Rules Committee is final and binding.

For similar violations of GBI's Code of Conduct outside of GBI consensus-oriented standards meetings, the GBI Board of Directors may appoint three individuals and two alternates from its members to be the adjudicating body for a Code of Conduct violation hearing.

Q: Does GBI investigate a complaint about a perceived Code of Conduct violation? Is there a hearing where both sides can present their sides?

A: When a written reprimand is issued, notification of the right to a hearing is provided along with the right to submit a written response to be shared with the Standards & Rules Committee. If a subsequent violation of the Code of Conduct takes place during a 90 calendar day probationary period, which triggers a limited ability to participate in further meetings, the participant will be notified of the right to request a hearing with the Standards & Rules Committee. The Standards & Rules Committee may also request a hearing after receiving a copy of the Secretariat's written reprimand or after receiving a copy of a participant's response to a written reprimand. The GBI Chair of the CB or Secretariat may request a hearing to be conducted at any time if they determine that:

- There are extenuating circumstances and the Chair or Secretariat would like the Standards & Rules Committee to be the decision maker on whether a 90 calendar days probationary period is warranted.
- A violation during the 90 calendar days probationary period warrants an immediate response by GBI in the opinion of GBI's Secretariat or Chair.
- A violation is egregious, such as an act of intimidation intended to diminish or limit another participants' ability or willingness to freely participate in GBI's process, and the Chair or Secretariat would like the Standards & Rules Committee to hold a hearing to decide on future participation.

Q: What does removal from meetings really mean?

A: There are three levels of potential removal from a meeting:

Level 1 – You have had three warnings and the Chair of a CB, Subcommittee or the Secretariat mute you for the remainder of a call or meeting or you are asked to leave an in-person meeting. If technology allows, you may participate via a chat function. A written reprimand will be sent to you, copied to the Standards & Rules Committee, and a 90 calendar days probationary period will ensue. You may issue a written response to the reprimand to be shared with the Standards & Rules Committee. You will also be notified of the right to request a hearing with the Standards & Rules Committee. You will be able to participate fully in the next meeting.

Level 2 – You violate the Code of Conduct during the 90 calendar days probationary period. The Chair or Secretariat has the right to limit your participation to written participation for the duration of the revision process. You have the right to request a hearing with the Standards & Rules Committee.

Level 3 - Your violation is considered egregious by the Chair or Secretariat and you are asked to leave a meeting or end your participation in GBI's process immediately. No participation option is provided. A written reprimand would follow, and a hearing would take place with the Standards & Rules Committee to determine next steps, which may include written participation only or exclusion from future meetings for the duration of the revision process if deemed warranted by the Standards & Rules Committee.

Q: If I'm removed from GBI meetings, how long will it take to be able to participate again?

A: A Level 1 violation means that you can fully participate in the next meeting. A Level 2 violation means you are restricted to written participation only. A Level 3 violation means you may be restricted for or excluded from an entire revision cycle. The Standards & Rules Committee has the right to determine if an egregious violation from one cycle of standards development warrants restricted participation in or exclusion from a future cycle.

Q: Can I voice or file a complaint against someone on the Consensus Body if I don't like the way they are voting?

A: First, overt criticism of another participant in GBI's process is a violation of the Code of Conduct. A member of the public or member of the CB/Subcommittee may request through the Secretariat an opportunity for the Chair to facilitate a discussion with a CB member. Complaints about GBI's adherence to its consensus procedures that may involve participation or lack thereof by one or more CB member(s) should be provided in writing to the Secretariat at the time of the perceived violation (action or inaction) and will be addressed through the due process provisions of GBI's consensus procedures. The Secretariat has a form that can be requested to submit notification of a procedural concern/violation/appeal. Notification in writing to GBI of a concern about adherence to GBI's Consensus Procedures or ANSI Essential Requirements are addressed in GBI's Consensus Procedures under Section 7: Procedural Appeals.

Q: I am a CB member. Can I bring up a topic that was discussed during a previous meeting of which I didn't agree with the outcome?

A: Agendas are strictly adhered to during GBI meetings. However, the Chair of the meeting has the right to make decisions prior to the meeting as to topics open for discussion or during the meeting when adjustments to the agenda are warranted. A constant refrain of complaining about one issue that didn't go the way a participant may have wanted it to go may be tiresome for a CB but is not a violation of GBI's Code of Conduct or approved processes. There are several ways to ask for an item to be reconsidered using GBI's normal processes or Roberts Rules of Order. The most appropriate are:

- Submit a public comment during the next public comment period. All public comments are reviewed and voted on by the CB.
- Request to the Chair well in advance of a meeting that an item be added to the agenda under old/new business. The Chair may say no. If so, during discussion of a vote to approve the agenda for that day, a CB member may indicate they would like to make a subsequent motion as an amendment to add an item to the agenda. If seconded, the amendment would be voted on first and if passed would be incorporated into the first motion to approve the agenda.

Q: I am a not a CB member. How might I request something be discussed during a CB meeting without violating the Code of Conduct (e.g., interrupting during a non-public comment portion of the agenda)? How can I be recognized to speak on a subject on the agenda?

A: A non-CB member may request through the Secretariat that the Chair consider adding an item to the agenda well in advance of a meeting. The Chair may say no. If so, the member of the public may note their concern during the public comment portion of a GBI meeting and/or submit a public comment. All public comments are viewed and voted on by the CB. If a public participant knows a topic is already on the agenda and would like to be called on by the Chair to contribute to discussion on that item during a non-public comment portion of the agenda, the participant should notify the Secretariat of their interest to speak on a particular topic following publication of the agenda. Public commenters that are granted speaking time, at the discretion of the Chair, will be limited to speaking for two minutes. The Chair may then manage the discussion as they deem appropriate to ensure all points of view are expressed and that meaningful debate occurs within the time allotted.

Q: I believe there has been a violation of the Code of Conduct and the Chair and Secretariat have either not noticed or not issued a warning. What options do I have for calling attention to this issue?

A: If a CB or Subcommittee member, you may call a “Point of Order” to interrupt the Chair using Robert’s Rules of Order. Once called on by the Chair, you can state your concern. If a member of the public, you should email the Secretariat during the meeting and then, during a public comment period, you may ask that the Secretariat respond to the email request to consider the perceived Code of Conduct violation. Any written request to acknowledge a perceived Code of Conduct violation that goes unnoticed during a call will be followed up via a phone call to the potential violator in place of a verbal warning during a meeting. The person making the written request will be notified by the Secretariat when follow up has occurred.

Q: If another Consensus Body/Subcommittee member is speaking and using inaccurate or outdated information, can I interrupt to correct them?

A: No, interrupting violates the Code of Conduct. If you feel like someone is using inaccurate or outdated information, you must raise your hand and wait for the Secretariat or Chair to call on you. Overt criticism of another participant’s viewpoint will not be tolerated. It is also not acceptable to send an uninvited email, phone call or other form of contact to the participant. More acceptable methods of conveying your contrary opinion or sharing information are:

- Raise your hand and ask for recognition by the Chair. State your information factually without criticizing an individual. Stay calm.
- After receiving recognition from the Chair, speak for or against a motion citing your reasons.
- After receiving recognition from the Chair, make a motion to table an item up for discussion and instead suggest that dissenting viewpoints meet as a small group to try to achieve consensus and bring the item back to the CB or Subcommittee. The motion to table may or may not succeed.
- You may ask the secretariat to share information prior to a meeting if information is provided in advance of meeting packets being prepared.
- You may ask the Chair to attempt to facilitate a discussion between you and another participant. Send an email to the CB/Subcommittee Chair or Secretariat stating your concern and asking if they would be willing to facilitate a discussion.

Amendments to this policy may be made from time to time by majority vote of GBI’s Standards & Rules Committee. Contact GBI’s Secretariat Emily Marx at emarx@thegbi.org or GBI’s President & CEO Vicki Worden at vicki@thegbi.org if you have questions or concerns about GBI’s Code of Conduct or enforcement policies.