

# Member Complaints Procedure

## 1. INTRODUCTION

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

Foremost in all considerations is insuring fair treatment to all members of the Corporation. Some features which are incorporated in these procedures to protect all parties include executive sessions held to maintain privacy; meetings scheduled at the convenience of the member who is the subject of the complaint and the Panel, or Board, as the case may be; notice of the complaint in writing; and the member who is the subject of the complaint, (referred to as the "respondent" in the procedures), informed of 1.) the charge or charges against him or her, 2.) his or her right to make a statement and to have counsel or representative, 3.) his or her opportunity to meet the complainant face-to-face, and 4.) his or her right to appeal a Board decision to the membership.

GHI hopes 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.

## 2. POLICY STATEMENT ON HANDLING MEMBER COMPLAINTS

It is the policy of Greenbelt Homes, Inc. to ensure fair and equitable treatment for each member. The Mutual Ownership Contract pledges that his or her comfort and peace of mind shall be respected by all neighbors as well as all members of the Corporation.

The following procedures have been formulated to protect the members' interests as well as those of the Corporation and are in accordance with the Bylaws.

Provision has been made for detailed investigation of facts and for clarification of charges at any early date to help prevent a minor complaint from growing to one of huge proportions, possibly affecting many members of the Corporation.

All meetings concerned with member complaints will be held in executive session, except for the member's appeal to the membership.

## 3. SOURCES AND BASIS OF COMPLAINTS

1. The Corporation receives complaints against members in a number of ways, including a.) next door neighbors, b.) members residing in the same court, c.) Management inspections, and d.) petitions from neighbors in the area.
2. Complaints can be based on alleged violations of a.) the Mutual Ownership Contract provisions, especially as related to the sections on "Occupancy" and "Rules and Regulations Relating to Occupancy and Care of the Dwelling" which

state that, "It shall be the duty of each member to respect the comfort and peace of mind of his neighbors, as well as all the members of the Corporation." b.) GHI regulations such as parking or shed regulations; c.) GHI Bylaws; or d.) City, County, or State laws or ordinances.

3. In those cases where Board action may be necessary, the complaints are asked to be made in writing or Management prepares a memorandum summarizing the complaint.
4. INITIAL ACTION BY MANAGEMENT
  1. When Management hears of a complaint, it investigates the complaint to ascertain the facts.
  2. After this fact-finding investigation, if it is warranted, Management prepares a letter to the person named in the complaint, or respondent, giving the nature of the complaint and asking for cooperation within a reasonable period. A copy of this letter is also given to the Chair of the Member Complaints Panel.
  3. If a certain date for compliance has been given in the letter, Management checks the situation after that date to see if corrective action was taken by the member. In the majority of cases, the member cooperates and no further action is needed.
  4. In the event that the situation is not resolved, Staff may recommend Community Mediation. A free, voluntary service is available through the City of Greenbelt and is recommended prior to the matter being referred to the Member Complaints Panel. This process is entirely confidential, and utilizes trained mediators outside of the Cooperative. If a resolution is reached through the process of mediation, the parties involved, clearly specifying their mutual rights and responsibilities, execute a written contract. If either party breaches the agreement and the matter is brought back to Management, the matter may then be referred to the Chair of the Member Complaints Panel, along with a copy of the agreement.
5. REFERRAL TO COMPLAINTS PANEL

If management does not resolve the complaint, the matter is 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 decides what course of action should be taken. If Community Mediation has been utilized and has not been successful, the Panel takes this into consideration. Generally, the Panel meets with the member against whom the complaint was filed. In exceptional cases, if the complaint is of such a nature that urgent action is needed, the Panel may recommend an early meeting of the Board with the member.

6. MEETING WITH COMPLAINTS PANEL
  1. If a meeting is necessary, Management will arrange a mutually satisfactory date for the meeting with the person names in the complaint.
  2. The meeting begins with Panel members introduced to the visitor by the Chair. The Chair then establishes the agenda for the meeting as follows:
    - a. Management reviews complaint and correspondence leading to the meeting.

- b. Chair asks the member meeting with the Panel for any additional information regarding the complaint, which may not have been covered by management.
- c. Panel members ask for such additional information as they feel is needed for them to come to a fair decision for recommended future action.
- d. The Panel discusses the problem with the member and seeks to arrive at a mutually satisfactory resolution. Most of the complaints which reach this level are settled at this point.

#### 7. COMPLAINTS PANEL'S ACTION

The panel considers additional information presented by the member. The Panel may recommend to the Board:

- a. That no action is needed as the complaint was not valid or that the member will take corrective action, or
- b. That the Board should meet with the member as preliminary step in possible further proceedings which may lead to a formal complaints hearing, or
- c. That the Board should hold a formal hearing with the complaining member and respondent and any witness called for the purpose of determining the merits of the complaint and any possible action to be taken.

#### 8. INFORMAL MEETING WITH THE BOARD

If the Complaints Panel recommends that the Board should meet with the member as a preliminary step in possible future proceedings which may lead to a formal complaints hearing, and the Board accepts the recommendation, Management arranges a mutually acceptable date for the meeting with the respondent. When the meeting is arranged, the agenda is as follows:

0. President introduces Board members.
1. Management reviews the complaint and correspondence leading to the meeting.
2. President asks respondent for any additional information regarding the complaint which may not have been covered by Management.
3. Board members ask for such additional information as they feel is needed for them to come to a fair decision on future action.
4. President summarizes the discussion indicating possible courses of action that may be taken and that the respondent will be informed of the Board's decision.

#### 9. FORMAL HEARING HELD WITH COMPLAINANT AND RESPONDENT PRESENT

In the event the Board of Directors resolves to hold a formal hearing, such hearing will be held with the complainant and respondent present. The Corporation may have its legal counsel present and the respondent may have such person present in a representative capacity as the respondent deems necessary.

0. Notification  
The Manager notifies all parties, i.e., the complainant and respondent, of the hearing. The letter of notification is sent by certified mail - return receipt

requested. This letter should include certain items such as the date and place of the meeting; the right to have witnesses and representation; possibly the agenda; a quote of the regulation and/or bylaw violated; a detailed summary of the complaint; and the possible ramifications resulting from the hearing. A requirement is that Section 4b of Article III (Termination of Membership) of the GHI Bylaws is included.

1. Hearing Procedures

Ordinarily, when the hearing is held, the witnesses for the complainant and the respondent wait outside the hearing room for their turns to speak. The President of the Board acts as Chair for the hearing. Present during the entire hearing are the Board of Directors, the Audit Committee members, the GHI Manager, the Corporation's recording secretary, the complainant, and the respondent with representative or counsel. The Corporation may have its legal counsel present. Witnesses are called in individually at appropriate times. All present are asked to keep information presented at the hearing in confidence. During the formal meeting, a transcript of the proceedings is made. A copy of the transcript is made available to the respondent if he or she decides to appeal the decision to the membership.

2. Hearing Agenda

- a. President introduces Board members and others present.
- b. President gives purpose of meeting and stresses seriousness of proceedings and cautions those present to keep in confidence all information which may be presented.
- c. President indicates the final decision of the Board may be appealed at a membership meeting.
- d. Manager reviews the events and correspondence that led to the meeting. He or she answers any questions about this material that the Board of Directors or others may have.
- e. The President then asks the complainant to add any new statements or comments that may be appropriate to update the case.
- f. The respondent and his or her representative or attorney are then given a chance to give their views. At this time, he or she has an opportunity to raise questions with the complainant about any facts in the case which may not be clear to him or her. The GHI counsel, if present, and Board members may ask for clarification of any materials presented by either party.
- g. When this period of discussion is concluded, witnesses for the member making the complaint are brought in individually to give their statements and to answer questions.
- h. After all the witnesses for the member making the complaint are heard, witnesses for the respondent are brought in individually to make their restatements and to answer questions that may be presented.
- i. At the conclusion of the appearance of all witnesses, the complaining member may present a summary, as may the respondent or his or her representative or legal counsel.

- j. The President adjourns the formal hearing and calls the Board into executive session.

#### 10. BOARD REACHES DECISION

In executive session, the Board reviews the evidence. If a decision is possible based on the circumstances of a particular hearing, then a formal motion is made and acted on which may include but is not limited to one of the following:

0. Dismiss the complaint because of lack of sufficient evidence or because of mitigating circumstances,
1. Allow a certain time for the respondent to correct the matter which was the subject of the hearing before final action is taken,
2. Direct the Manager to initiate action to terminate the member's contract within a reasonable period (30 to 45 days), or
3. File for administrative or judicial relief. A two-thirds vote of the entire Board is required on actions to terminate a contract. Other actions require only a majority vote of those Board members present.

A formal letter is written by the Manager to the respondent notifying him or her of Board action. If the letter states that the Board has directed a termination of the Mutual Ownership Contract, reference is made to the member's right to appeal to the membership at the next special or annual meeting (Section 4b, Article III of the GHI Bylaws). A letter is also written to the complainant regarding the Board's action.

#### 11. MEMBER'S APPEAL TO THE MEMBERSHIP

If a decision to terminate a member's Mutual Ownership Contract is made on the basis of the complaints hearing, the member must notify the Manager of the Corporation, in writing and within ten (10) days of the receipt of the Corporation's letter notifying him or her of termination. If he or she intends to appeal to the membership. The Manager then notifies the Board. The Board decides whether this appeal will be heard at the next Annual Membership Meeting or whether circumstances require a Special Membership Meeting.

The procedure at the time that the member's appeal appears on the agenda of the meeting is that the Chair of the meeting, usually the President of the Corporation, reviews the circumstances that led to the decision to terminate the member's contract. Next, the member, or his or her attorney or representative, addresses a formal appeal to the membership. A period of time is provided for the members present to ask for additional information from the President or the respondent to help them reach a fair decision. At the conclusion of the question period, a "show of cards" vote is taken to terminate the contract. This decision is a final one and no other appeals, except to the Courts, are available to the member.