

Violations of the LEED for Homes COI Policy include:

- i. Verification Team members performing prohibited services
- ii. Failure to complete and submit COI Disclosure Forms, when needed.

Provider organizations that violate the COI Policy will be subject to disciplinary action, as described in the Professional Conduct Guidelines and Disciplinary Policy, Section. In general, violations of the policies contained within this manual will trigger disciplinary actions ranging from probation to suspension and could jeopardize project certification for related project(s). Repeated violations will result in revocation of Provider status and possibly applicable Verification Team member credentials.

8 Professional Conduct and Disciplinary Policy for the LEED for Homes Program

8.1 INTRODUCTION

The professional behavior of all participants in the LEED for Homes program is a critical element in market acceptance and overall success of the program. Members of the Verification Team represent USGBC, GBCI and are the face of the LEED for Homes program. As such, they are expected to act with the highest degree of professionalism and ethics.

This policy document includes a formal statement of the expectation for all members of the Verification Team on a LEED for Homes project and the disciplinary procedures for those that fail to meet these expectations. *Note:* these professional conduct guidelines and disciplinary policy are largely based on the Residential Energy Services Network (RESNET) National Standards.

8.2 PROFESSIONAL CONDUCT GUIDELINES

All members of the Verification Team on a LEED for Home project will conduct themselves in a professional, respectful manner and perform requirements as specified. This includes the following conduct:

- i. Comply with the technical standards and procedural requirements that are set forth by the LEED for Homes program.
- ii. Commit to objectivity and neutrality in conducting a rating.
- iii. Not engage in conduct that is detrimental to the reputation or best interests of the USGBC, GBCI or LEED for Homes program. Green Raters or Providers should raise concerns about the program directly with the USGBC and GBCI.
- iv. Refrain from speaking negatively about other LEED for Homes Green Raters or Providers in public. Green Raters or Providers should submit a complaint form or communicate directly with GBCI if they have a complaint regarding another Green Rater or Provider.

- v. Not disclose information concerning the rating of a specific home to parties other than the client, client's agent, USGBC, or GBCI, without written permission of the client or client's agent.
- vi. Respond promptly and effectively to customer inquiries. Provider QADs and Green Raters need to be knowledgeable about the LEED for Homes program and be able to communicate program requirements effectively.

All members of the Verification Team for a LEED for Homes project will present an accurate representation of services and fees. For example, they will:

- i. Fully disclose all applicable charges, as well as the general scope and deliverables of services, prior to conducting a rating or other service. Verification services will be separated from consulting services in scopes of work, contracts and statement of fees.
- ii. Make no representations regarding their services or qualification that are false or misleading.

All members of the Verification Team for a LEED for Homes project will work to minimize conflicts of interest (COIs), and disclose any COIs that are present. For example, they will:

- i. Comply with the LEED for Homes Conflict of Interest (COI) Policy, including reporting any conflicts of interest that are listed.
- ii. Not allow an interest in any business or individual to affect the results of a rating.

8.3 TYPES OF INFRACTIONS

Specific types of infractions include, but are not limited, to the following:

Quality Assurance Designee (QAD)

- i. Submitting an inaccurate or incomplete submittal packages to GBCI.
- ii. Unprofessional behavior, including one validated complaint, speaking negatively about the USGBC, GBCI or the LEED for Homes program publicly, speaking negatively about another Verification Team member or Provider organization publicly.
- iii. Failing to maintain a QA Plan and/or provide GBCI with current version.
- iv. Failure to implement and follow QA Plan (e.g., not providing adequate oversight of Green Raters, including communication of program updates, not maintaining records (certification packages) for certified homes for at least 2 years).
- v. Failure to file a COI form when disclosure is required.
- vi. Failure to follow LEED for Homes requirements (from USGBC or GBCI).
- vii. Failure to resolve issues identified in complaints.
- viii. Disclosing information about a home's rating to another party (other than the client, client's agent, USGBC, GBCI) without written permission of the client or client's agent.
- ix. Falsely representing fees, charges, or scopes of work.
- x. Falsely representing qualifications or previous experience.
- xi. Knowingly submit false information to the USGBC or GBCI.
- xii. Negligently issuing ratings (e.g., not completing QAD tasks).
- xiii. Submission of a certification package that is based on a rating that is biased (i.e., not objective or neutral).

Green Raters

- i. Unprofessional behavior.
- ii. Failure to follow Provider's QA plan.
- iii. Submitting an inaccurate or incomplete submittal packages to QAD.
- iv. Failure to file a COI form when it was needed.
- v. Failure to comply with LEED for Homes program requirements or procedures.
- vi. Failure to resolve issues that were identified in a complaint.
- vii. Disclosing information about a home's rating to another party (other than the client, client's agent, USGBC, or GBCI) without written permission of the client or client's agent.
- viii. Falsely representing fees, charges, or scopes of work.
- ix. Falsely representing qualifications or previous experience.
- x. Submission of false information to the Provider, GBCI or USGBC.
- xi. Negligently issuing ratings (e.g., not completing verification tasks).
- xii. Conducting a rating that is biased (i.e., not objective or neutral).
- xiii. Providing verification services before earning the LEED for Homes Green Rater In-training status or after failure to maintain "active status" of LEED for Homes Green Rater certificate.

Note: Green Rater's must also abide by the Professional Conduct Guidelines they agreed to in accordance with their certificate issued by GBCI.

Energy Raters

Complaints about Energy Raters should be sent to RESNET and will be subject to RESNET disciplinary action.

When USGBC/GBCI is notified about an Energy Rater that is being disciplined by RESNET, USGBC will implement similar disciplinary action against that professional if they are also serving as a LEED for Homes Green Rater.

Energy Raters that have had suspended by RESNET cannot act as a LEED for Homes Green Rater or an Energy Rater on a LEED for Homes project.

8.4 INVESTIGATION OF COMPLAINTS

8.4.1 Complaint Submittal Process

GBCI has developed a standard complaint form (see Appendix E). All formal complaints must use this form, be signed by the complainant and be submitted directly to GBCI by the complainant.

The completed form shall include the following information:

- i. The name of the complainant and contact information,
- ii. The accredited Provider Organization (or related Verification Team Member) that is the subject of the complaint,
- iii. A complete description of the alleged violation(s),
- iv. A recitation of all the facts documenting the complaint including contact information, and
- v. Copies of any relevant documents.

GBCI will investigate all formal complaints and respond within thirty (30) days. In general, this response will include:

- i. Dismissal of complaint (i.e., no action taken against), or
- ii. Validation of complaint
 - a. Requirement that Provider Organization (and related members of the Verification Team) correct the problem and put in place a process to ensure it does not occur again.
 - b. If complaint was serious, suspension or revocation of authorization to serve as a Provider and the possibly the credentials of related Verification Team members.

8.4.2 Investigation Process for Complaints

Upon receipt of a formal and complete complaint, GBCI will review and consider the documentation contained in the formal complaint in making a decision whether to proceed or dismiss the complaint.

In cases where the documentation submitted does not meet the minimum standards for a complaint, the complaint may be dismissed. GBCI shall notify both parties of the findings.

In cases where GBCI finds that the complaint should proceed to the next step, GBCI shall send a copy of the complaint to the subject of the complaint immediately. The respondent has 30 days to submit a full and complete response to the complaint. All relevant information and documentation shall be included in the response. The response shall be in writing and sent to GBCI by registered mail.

E-mail to homes@usgbc.org OR

Mail to:

LEED for Homes Quality Assurance Team Lead

Green Building Certification Institute

2101 L St. NW

Suite 500

Washington, DC 20037

Upon receipt of the response, GBCI shall review the information and consult advisory groups as needed. Within thirty (30) days of receiving the subject's response, GBCI shall come to a decision. At that time, GBCI staff will inform both parties of the decision.

8.5 TYPES OF DISCIPLINARY ACTIONS

Generally, there are three types of disciplinary that may be taken against a Provider Organization, and the members of a Verification Team.

- i. Probation,
- ii. Suspension, and
- iii. Revocation

These are each described below.

8.5.1 Probation

GBCI will inform the Provider of Probation status. Relevant Verification Team members will receive written (electronically or in paper form) notice of probation directly from GBCI. GBCI will hold a meeting with the LEED for Homes Provider Organization (and relevant Verification Team members) to discuss how infraction can be remediated and not repeated.

During probation, the Provider Organization (and relevant Verification Team members) will be closely monitored from GBCI. The Provider Organization (and relevant Verification Team members) will be allowed to continue operating (e.g., verifying projects) during the probation period.

GBCI will warn the Provider Organization (and relevant Verification Team members) of possible upcoming suspension if infraction is not remediated and steps are not taken to ensure that infraction does not occur again.

8.5.2 Suspension

The LEED for Homes Provider Organization (and relevant Verification Team members) will receive written (electronically or in paper form) notice from GBCI of suspension.

The Provider Organization has 30 days to correct the problem and put in place a process to ensure it will not happen again.

GBCI may allow Provider Organization (and relevant Verification Team members) to continue operating (e.g., verifying projects), or may place restrictions on operation (e.g., no new projects allowed to register with this Provider Organization, Green Rater).

8.5.3 Revocation

The LEED for Homes Provider Organization will receive written (electronically or in paper form) notice from GBCI that the executed contract for providing rating services or Provider services has been revoked.

AND/OR

The relevant Verification Team members will receive written notice (electronically or in paper form) from the GBCI that they shall be prohibited from providing verification services to LEED for Homes projects.

AND

GBCI will decide how projects that have been registered, but not certified, with the Provider Organization will continue to pursue certification.

8.6 APPEAL PROCESS

In the event that a complaint has been denied, or if a Provider Organization (and relevant Verification Team members) has been placed on probation, or if a Provider's authorization has been suspended or revoked, the Provider Organization (and relevant Verification Team members) shall have the right to an appeal.

In order to be considered, the appeal must be filed within 30 days of notice of suspension or revocation. The appeal shall be submitted to GBCI in the form of a signed letter, containing all pertinent and substantive information. This includes a description of the circumstances of the case and arguments that are in contradiction to the proposed suspension or revocation.

The appellant Provider Organization (and relevant Verification Team members) may request a telephonic hearing with the Director of Certification at GBCI. In such an event, GBCI shall, not later than fourteen (14) calendar days after the filing of the notice of appeal, notify the appellant Provider Organization (and relevant Verification Team member's) of the date of the hearing, which shall be held as expeditiously as possible, but not later than thirty (30) calendar days after the receipt of the notice of appeal. A ruling on the appeal will be made not later than fourteen (14) calendar days after the hearing has concluded.