

**Code of Conduct Enforcement Procedure**

This rule constitutes Golden Rain Foundation's (GRF) published policy of due process, as required by law, governing the Foundation's enforcement policy of its handling of complaints involving abusive, threatening, or harassing behavior toward GRF Directors during the execution of their official duties, GRF staff, and GRF-contracted workers.

1. INVESTIGATION

Alleged violations by a MEMBER, AUTHORIZED RESIDENT (AR), QUALIFIED PERMANENT RESIDENT (QPR), or VISITOR of any rule stated in the Code of Conduct (13-5092-1), or that in the judgment of the GRF President or GRF Executive Director constitutes an egregious offense of any GRF governing rule, will be assessed in the following manner:

1.1 Complaints of abusive, threatening or harassing behavior, or inappropriate language toward GRF staff, GRF Directors during the execution of their official duties, and GRF-contracted workers shall be forwarded to GRF's Human Resources (HR) Director who will notify GRF's President and Executive Director of the complaint.

1.2 GRF's HR Director, President and Executive Director, and legal counsel (if prudent), will interview the complainant GRF staff member, and seek statements from the alleged violator and any additional witnesses to determine whether there is a reasonable basis for believing the alleged violation likely occurred.

1.3 If the results of the investigation exonerate the accused violator, no further action will be taken.

1.4 If the results of the investigation are inconclusive or if it is determined the investigation finds actions that are problematic, but not chargeable, the GRF HR Director, President and Executive Director may recommend appropriate preventative action to GRF's Board of Directors.

1.5 If it is determined the alleged conduct has occurred, but that the action...
1.5.1 doesn't create a significant threat to personal safety of staff or others, or;
1.5.2 does not create an abusive or toxic work environment as defined under the Fair Housing and Employment Act; or
1.5.3 is not considered an egregious offense; or
1.5.4 is the first violation by the individual against whom the complaint was lodged,

...the GRF President or Executive Director may choose to issue a warning to the alleged violator.

1.6 If the results of the investigation determine the alleged violator's conduct...

1.6.1 did create a significant threat to personal safety of staff or others; or



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1.6.2 created an abusive or toxic work environment as defined under the Fair Housing and Employment Act; or
1.6.3 is considered an egregious offense; or
1.6.4 was a repeat violation by the individual against whom the complaint was lodged,
...the GRF President or Executive Director shall issue a formal letter summoning the alleged violator to a Board of Directors hearing, and transmit all official information concerning the incident to the Board for its assessment and judgment.

2. CONTESTING THE VIOLATION LETTER

- 2.1** A MEMBER or QPR has the right to contest the "rules violation":
- 2.1.1** issued to them, or to a RENTER/LESSEE (R/L), or VISITOR who enters the community through the MEMBER or QPR's authorization.
- 2.1.2** or issued to those who enter the community through the authorization of the R/L, or visitor associated with the MEMBER or QPR's residential unit.
- 2.2** An initial appeals hearing will be scheduled for an executive session of the GRF Board of Directors consistent with proper notification procedures. The appealing MEMBER or QPR may choose to attend the hearing in person or may submit a written statement concerning the rule violation notice to the Board of Directors.
- 2.3** The MEMBER or QPR appealing the citation will be presented with a written notice at least ten (10) days prior to the hearing.

3. NOTICE OF HEARING

The written Rules of Conduct Violation Letter serves as notice of the violation and hearing (Civ. Code §5855). The following items will be set forth in the written notice:

- 3.1.** Description of violation, including time and location of violation and possible sanctions or monetary penalties;
- 3.2.** The date, time, and place of the hearing;
- 3.3.** A statement that the individual cited for a violation has a right to attend the hearing and present evidence. (Civ. Code §5855(b).); and
- 3.4.** Notification that a "Failure to Respond" will result in the Board of Directors assessing the alleged violation using only the evidence the panel holds at the time of the hearing.

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4.1 A MEMBER or QPR cited for a violation has the right to examine any evidence relating to their citation prior to the scheduled date of their hearing before the Board of Directors.

4.2 A MEMBER or QPR appealing a Rules of Conduct violation has the right to submit their defense in writing rather than, or in addition to, appearing before the Board. (Corp. Code 95 §7341(c)(3).)

4.3 Representation/Observers

4.3.1 The Board of Directors hearing is a closed meeting. The MEMBER or QPR may request an open hearing.

4.3.2 Lawyers

Under the provisions of Civil Code Section 5910(f), the MEMBER or QPR can request in writing to be assisted by a lawyer hired at their own expense. The hearing for the person requesting a lawyer's assistance may be delayed for a month in order to schedule the GRF lawyer's appearance.

4.3.3 Interpreters

Upon written request at least ten (10) business days prior to the hearing, a MEMBER or QPR appealing a violation notice may be accompanied by an interpreter. The request should specify the language required.

4.3.4 Observers

A MEMBER or QPR appealing a violation notice can be accompanied by a single observer who cannot participate in the appellant's defense beyond their stated role as observer or interpreter.

A MEMBER or QPR appealing a violation notice can be accompanied and assisted during the hearing process by the MEMBER's agent or attorney-in-fact whom the MEMBER or QPR has designated to serve as their representative in such disciplinary matters.

5. RESOLUTION

5.1 If, without prior notification to the GRF Board of Directors, the person who requested the appeal does not appear at the scheduled meeting or provide a written defense, the panel will assess the validity of the citation based upon the evidence or testimony the Board has received at the time of the hearing.

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- 118 5.2 A majority vote of the Board quorum present at the hearing is necessary to
119 affirm any or all charges made in the formal citation letter, and to assess any
120 fines or penalties against the alleged violator.
- 121 5.3 Notice of Decision
- 122 5.3.1 The Board shall make "findings" to support the panel's decision
123 regarding the alleged violation. Findings may allow for issuing a
124 warning letter or upholding, amending, or vacating the citation.
- 125 5.3.2 Notice of the Board's decision must be issued by first-class mail within
126 15 business days following its decision (Civ. Code §5855(c); Corp.
127 Code §7341(c)(2).) The letter of decision shall identify the violation by
128 date, the board's findings, and any imposition of a fine or other
129 penalty.
- 130 5.3.3 The Board of Directors' decisions concerning its judgment of the
131 complaint and any sanctions will be final.

6 FAILURE TO RESPOND

- 135 6.1 A failure to respond to a properly adjudicated Code of Conduct judgment
136 may be cited as an additional violation:
- 137 6.2 It is deemed a failure to respond when a MEMBER or QPR has not paid
138 any resulting fine within 25 days after the Board of Directors hearing. The
139 failure to comply with a non-financial penalty assessed by the Board of
140 Directors can be cited as an additional offense.
- 141 6.3 A MEMBER or QPR deemed to have failed to respond will be issued a letter
142 by first-class mail calling them to attend an additional hearing before the
143 Community Rules Violation (CRV) PANEL.
- 144 6.4 A MEMBER or QPR cited for failure to respond will have the capacity to
145 respond to the CRV PANEL in person, or in writing, as outlined in 13-1937-
146 3. However, the MEMBER or QPR's statements shall only address issues
147 involved with their failure to respond.
- 148 6.5 The CRV PANEL shall assess the failure-to-respond charge using the same
149 criteria as outlined in 13-1937-3.
- 150 6.6 The CRV PANEL shall provide the non-responding MEMBER or QPR who
151 has failed to respond with written notice of its decision within fifteen (15) days
152 following the hearing.
- 153 6.7 Sanctions for Failure to Respond
- 154 The MEMBER or QPR who has completed the appeal processes within the
155 procedures and time periods defined and has not paid any resulting fines
156 may be liable for additional sanctions.

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- 157 6.7.1 The CRV PANEL, at its discretion, may determine to impose on the
158 non-respondent an additional monetary fine, of no more than 50
159 percent of the unpaid fine at the time of the failure-to-respond hearing.
- 160 6.7.2 To avoid the imposition of these sanctions, all outstanding fines
161 imposed by the Board of Directors and the CRV panel, and liable to
162 be collected under the due process outlined above, must be paid
163 within 25 days after the date of the CRV hearing on the MEMBER or
164 QPR's failure to respond.
- 165 6.7.3 If the non-respondent has not paid the total fines by that date, the
166 CRV PANEL may issue an additional letter citing the MEMBER or
167 QPR's failure to respond, and the MEMBER or QPR may be subject
168 to further penalties.
- 169 6.7.4 The judgment of the CRV PANEL concerning sanctions for failure to
170 respond will be considered final.

Document History

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