



POLICY/ PROCEDURE:	NO. 08.3302	Intra-Commission Grievance and Sanctions Procedures	Page 1 of 4
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APPROVED 02/13/20

SUBJECT: Grievance Procedures

PURPOSE: Outline a formal mechanism for resolution of disputes/grievances between members of the Commission on HIV

“Complaints Procedures. Complaints related to internal Commission matters such as alleged violation of the Code of Conduct or other disputes among members are addressed and resolved in adherence to Policy/Procedure #08.3302.” (Commission Bylaws, Article VII, Section 4.)

POLICY: From time to time, disputes may arise between individual Commission members. The Commission invests its Executive Committee with the authority to direct and determine the resolution of these grievances.

An action is considered a grievance when it is submitted, in writing, by the Commission member to the Commission Co-Chairs (Co-Chairs) and Executive Director (ED). It is the Executive Committee and ED’s responsibility to determine the disposition of the matter. The Committee and ED can decide to take no action, can choose to investigate the matter further before taking action and/or seek Los Angeles County Counsel advice/input before proceeding.

Reasons for a grievance include, but are not limited to, the following:

1. Threats, threatening behavior, and/or acts of violence against Commissioners and County staff. Examples of such behavior include, but are not limited, to:
 - a. verbal and/or written threats;
 - b. psychological violence such as: verbal and/or written threats against any property of the person, bullying, and/or punishing others by constant, unmerited criticism;
 - c. off-duty harassment, such as phone calls, stalking or any of the other, above-defined behavior that could reasonably be construed as threatening, intimidating and/or possibly affecting safety; and
 - d. physical actions that could cause harm.



2. Misrepresentation of the Commission (see Commission Bylaw Article XV, Official Communications and Representations);
3. Blatant and/or purposeful disregard of the Commission's Code of Conduct, By-laws, and/or policies and procedures;
4. Fraud and/or deliberate and unwillful distortion of facts for malevolent purposes;
5. Malicious intent to put the Commission and its members, at legal, financial and/or physical risk and/or jeopardy (including purposeful failure to acknowledge conflict-of-interest rules);
6. Any alleged action that might be construed as felonious in nature.

Sanctions may be imposed on Commission members in response to an actionable grievance and the failure of either party to actively participate in the resolution of the grievance.

There are two levels of sanctions:

- Censure. Censure may be invoked by a majority vote of a majority of the Commission. Censure constitutes a "vote of no confidence" and serves as a warning to the Commission member to comply with the recommended Corrective Action Plan (CAP) activities.
- Recommendation of removal from the Commission and/or its Committees to the Los Angeles County Board of Supervisors (BOS). Recommendation of removal may be imposed by a two-thirds vote of a majority of the Commission when the Commission member continues to disregard compliance with the CAP activities. The Commission can remove a Committee member from its Committee without going to the Board of Supervisors.

PROCEDURE:

- All Commission members are required to certify their compliance with the Intra-Commission Grievance Policy and Code of Conduct by signing a written acknowledgement and understanding of the policy.
- Commission members alleging a grievable offense against another Commission member must submit written notification of dispute to Commission Co-Chairs and ED, along with a written description of the events involved in the grievance.



- Other Commission members or parties who may have been witness to the events leading to the grievance may be required by the Executive Committee to submit their version of the events to the Co-Chairs.
- Co-Chairs and ED will review the grievance with the Executive Committee at the subsequent Executive Committee meeting.
 - The Co-Chairs must share the grievance with the party alleged with the grievable offense prior to the Executive Committee meeting where it is reviewed.
 - The Ralph M. Brown Act precludes the Executive Committee from discussing disputes involving public officials in executive or other closed session.
- The Executive Committee is required to render a decision regarding all grievances within 60 days from the filing of the initial complaint. The Committee can decide to:
 - 1) take no action;
 - 2) recommend a Corrective Action Plan (CAP) to appropriate party(ies);
 - 3) postpone the matter for further investigation so long as a decision is made within 60 days of the initial complaint; and/or
 4. defer matter to the Los Angeles County Counsel for further handling.
- Refusal to participate in the Executive Committee's CAP by any or all parties may result in further actions being taken to resolve the grievance up to and including sanctions by the Commission.
- Sanctions may be imposed for either party who fails to meet the recommended standards of participation of the CAP.
 - At this time, the Co-Chairs are entitled to share with the full Commission recommendations of the CAP with which the party has not complied.
 - The first level of sanction is "censure". Censure may be invoked by a majority vote of a majority of the Commission. Censure constitutes a "vote of no confidence" and serves as a warning to the Commission member to comply with the recommended CAP activities.



- The second, and final, level of sanction is recommendation Commission to the Board of Supervisors. Recommendation of removal may be imposed by a two-thirds vote of a majority of the Commission when the Commission member continues to disregard compliance with corrective action plan activities,
 - or can be due to an Executive Committee conclusion on the authenticity of the alleged grievance when part(ies) refuse to participate in recommended corrective action plan activities.
 - Committee members may be removed directly from Committee involvement by the Commission without BOS intervention.
 - the Commission may recommend removal of a Commission member as early as two months (at least one subsequent meeting) following a vote of no confidence.

- Nominating bodies and the Los Angeles County Board of Supervisors Executive Offices are notified by letter when their representative has been sanctioned.

- These policies and procedures do not apply to members of the public.

**NOTED AND
APPROVED:**

Cheryl Barrett

Original Approval:

**EFFECTIVE
DATE:**

2/13/20

Revision(s):