

Violations of Rules of Conduct CFHPC Policy-26

<i>Bylaws Reference</i>	Article V, Section 5.3
<i>Scope</i>	N/a
<i>Effective</i>	1/31/18
<i>Revised</i>	10/30/19, 06/28/23

Purpose

1. To implement and support procedures that shall result in the fair resolution of complaints related to violations of the Rules of Conduct

Policy

1. It shall be the policy of the Central Florida HIV Planning Council to ensure an open and equitable process for managing violations of the Rules of Conduct.

Procedure

1. In the event an interested party feels that a violation of the Rules of Conduct has occurred, a written complaint (Appendix A) must be received by the Executive Committee within ten (10) business days of the alleged violation. A letter acknowledging receipt of the written complaint shall be sent by Planning Council Support within five (5) business days.
2. The Executive Committee shall determine if the complaint appears to be valid and warrants further investigation by the next scheduled committee meeting. During this Executive Meeting and the following Planning Council meeting, Planning Council Support shall provide training on the overview of the Rules of Conduct and Violation of Rules of Conduct Policies and Procedures.
3. If the Executive Committee determines:
 - a. The complaint appears to be valid, it shall:
 - i. Facilitate a full investigation into the complaint to include:
 1. Planning Council Support staff questioning all parties involved as a participant or observer to the incident from which the complaint was generated. At the conclusion of the questioning, PCS will meet with the Senior Co-Chair to present the findings. Should the complaint be made against the Sr. Co-

Chair, then all assigned responsibilities shall fall on the Jr. Co-Chair.

- b. If the Senior Co-Chair determines that the findings substantiate a violation(s) of the rules of conduct, they shall:
 - i. Convene a special Executive Committee session or an Ad Hoc Committee to further investigate the complaint;
 - ii. Provide notification to all parties of the first consideration by the Executive or Ad Hoc Committee of the complaint;
 - iii. Provide written documentation to the complainant and accused of the nature and details of the complaint;
 - iv. Hear testimony from PCS, the complainant, and the accused; both the complainant and the accused have the right to present testimony and witnesses to the incident;
 - v. Make every effort to provide opportunities for all parties to present testimony before further action may be considered;
 - vi. Remain objective in its inquiry, with all complaints considered alleged violations of the Rules of Conduct until resolution is finalized by the full Planning Council.
 - c. The complaint appears to be invalid
 - i. Planning Council Support shall notify the complainant in writing of the findings within five (5) business days following the Executive Committee meeting.
4. The investigative process shall be completed within sixty (60) calendar days of the Executive Committee receiving the complaint.
5. Written findings and recommendations shall be forwarded to the Planning Council and the parties involved at least 7 business days before the next scheduled Planning Council Business Meeting.
6. The Planning Council vote shall determine the final resolution of the alleged violation of the Rules of Conduct.
7. When the Planning Council is considering the recommendations received from the Executive Committee, it may allow for testimony by all parties involved prior to casting a final vote on the recommendation.
8. Failure to adhere to the guidelines provided in this policy shall result in the nullification of the complaint.

- a. The Executive Committee or Ad Hoc Committee may determine that no violation of the Rules of Conduct has occurred that warrants further action.
9. **Tier 1:** Single violations of the following codes, as deemed by the Executive Committee, shall result in a recommendation to the Planning Council for a letter of reprimand from the Planning Council Chair to be placed in the member's membership file.
- a. Rule #1. Members and Associate Members shall treat everyone with respect at all times during business meetings, committee meetings and when representing the Planning Council in public.
 - b. Rule #2. Members and Associate Members shall declare their Conflict of Interest at the beginning of each meeting
 - c. Rule #3. The Chair shall establish procedures for discussion. (PCS can assist with these efforts when necessary.)
 - d. Rule #4. Members and Associate Members shall accept and abide by the agreed-upon process for decision-making and shall accept and abide by the decisions made unless the decision has been rescinded or reversed by procedures utilizing Robert's Rules of Order.
 - e. Rule #5. Members and Associate Members shall behave in a manner that reflects their responsibility to represent the Planning Council during business meetings and when representing the Council in public.
 - f. Rule #6. Members and Associate Members shall accept and follow the Council's policies and procedures.
 - g. Rule #7. Members and Associate Members shall take positive responsibility for helping to prevent and resolve conflicts within the group.
 - h. Rule #9. Members and Associate Members shall accept shared responsibility for determining the highest priority needs for services by using data and the agreed-upon process for determining priorities and allocating resources.
 - i. Rule #10. Members and Associate Members who feel they cannot support and adhere to the mission of the Planning Council should reconsider their membership on the Council.
 - j. Rule #11. Members and Associate Members shall take responsibility not only for following these Rules of Conduct but also for speaking out to ensure that all Planning Council members and Associate Members follow them.

- k. Rule #12. Members and Associate Members shall ensure that each matter is dealt with in a fair, equitable, impartial, and just manner based on what is in the best interest of the PWH community and other vulnerable populations.
 - l. Rule #14. Members and Associate Members shall prepare for, attend, and participate in the meetings of the Planning Council and Committees to which appointment has been accepted.
 - m. Rule #16. Members and Associate Members shall value and respect the diversity of the Council.
 - n. Rule #17. - Members and Associate Members shall carry out their duties and responsibilities with due regard to the need to promote equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, gender identity, age, or religion, and show respect and consideration for others.
10. Three letters of reprimand within a Planning Council year shall result in a recommendation from the Executive Committee to the Planning Council for immediate removal of the member from the Planning Council in accordance with the current approved Bylaws – “Termination of Membership”.
11. **Tier 2:** Single violations of the following codes, as deemed by the Executive Committee, shall result in a three-month suspension from the Council. A letter of reprimand should be expected in this case as well.
- a. Rule #8. Members and Associate Members shall refrain from conduct that is deemed detrimental to the mission of the Council and from jeopardizing the safety of fellow Members, Associate Members, the general public, and Planning Council Support Staff.
 - b. Rule #13. - Members and Associate Members shall not speak, write or act for the Planning Council without proper authorization from the Executive Committee or Planning Council body.
 - c. Rule #15. Members and Associate Members shall comply with all local, state, and federal laws as they pertain to criminal activities. Members and Associate Members shall refrain from engaging in individual or group conduct that infringes upon the privacy, rights, or privileges of others, or disturbs the peace or the orderly process of meetings. Such behavior can include, but is not limited to behavior that is violent, abusive, indecent, intimidating, unreasonably loud, or similar disorderly or threatening conduct

- d. Rule #18. Members and Associate Members must never:
 - i. Take improper advantage of their position.
 - ii. Make improper use of information they have obtained.
 - iii. Disclose confidential information.
 - iv. Behave in a manner that will reflect poorly on the Planning Council
- 12. Two or more suspensions within a given term shall result in a recommendation from the Executive Committee to the Planning Council for immediate removal of the member from the Planning Council in accordance with the current approved Bylaws – “Termination of Membership”.
- 13. If PCS, the complainant, or another member of the Planning Council believes the accused to pose an actual or perceived threat to personal safety or a general safety concern, PCS staff may:
 - a. Temporarily suspend the accused from meetings until the Executive Committee receives notice of the complaint and determines if the complaint appears to be valid. The temporary suspension may be extended through the investigation and the Executive Committee Special Session or Ad Hoc Committee.
 - b. Follow the procedures of the Principal’s Office to have the accused removed from the building and/or trespassed if their behavior violates zero-tolerance policies.
- 14. The Executive Committee may invoke Bylaws Article III Section 3.8 to recommend for removal. Article III Section 3.8 Termination of Membership states:
 - 3.8.1.** A member serves at the discretion of the CEO, the County Mayor. Conduct or behavior that the Planning Body deems to interfere with the business of the Planning Body or have a negative impact on the community’s confidence in the Planning Body shall be grounds for termination of membership. This includes serious or continued violations of the Rules of Conduct.
 - 3.8.2.** When termination is considered, the Executive Committee shall establish a special disciplinary committee to review the issue and make a recommendation to the full Planning Body. A majority vote by the Planning Body shall be required to recommend to the CEO that membership be terminated. The CEO may terminate the membership of a Planning Body member with or without the recommendation or approval of the Planning Body.



Appendix A

CENTRAL FLORIDA HIV PLANNING COUNCIL RULE OF CONDUCT COMPLAINT/RESOLUTION FORM

Date of alleged violation: _____

Rule of Conduct that has been allegedly violated: (Brief Description of alleged violation):

Signature of Planning Council Member (Complainant)

Date

Resolution:

Date Presented to Executive Committee for Resolution: _____

Resolution of Complaint:

Signature of Planning Council Chair

Date

Signature of Planning Council Member (Complainant)

Date