



Grievance CFHPC Policy-14

<i>Bylaws Reference</i>	Article X, Section 10.1
<i>Scope</i>	N/a See Below
<i>Effective</i>	1/25/23
<i>Revised</i>	N/a

Purpose

1. To develop and support procedures that shall result in the fair resolution of grievances related to processes of the Planning Council. This process shall provide an opportunity for community members, clients, and providers of HIV services to resolve concerns, complaints, and formal grievances against the Council in an expeditious manner.

Definitions

1. **Grievance-** a formal written complaint alleging that the Planning Council failed to follow its established policies, procedures, or conflict of interest requirements in carrying out its responsibilities, including setting service priorities, allocating Ryan White Part A funds, making changes to allocations, or conducting integrated/comprehensive planning.
2. **Grievant-** the individual filing the grievance. Individuals affected by HIV, clients of HIV-related services, including client groups and PWH caucuses and coalitions, and HIV service providers all have the right to file a grievance.
3. **Mediation-** a formal dispute resolution process conducted after the informal resolution process if the grievant is not satisfied with the result or when a Notice of Right to Proceed to Mediation has been issued.
4. **Arbitration-** a formal dispute resolution process conducted after mediation has been unsuccessful after a Notice of Right to Proceed to Arbitration has been issued.
5. **Conflict of Interest-** an actual or perceived interest in an action that will result or has the appearance of resulting in personal, organizational, or professional gain. Conflict of interest does not refer to persons living with HIV whose sole relationship to a Ryan White HIV/AIDS Program (RWHAP) funded provider is as a client receiving services or an uncompensated volunteer.

Policy

1. It shall be the policy of the Central Florida HIV Planning Council to ensure an open and equitable process of establishing HIV service priorities and the allocation of Ryan White Part A program funds to said priorities, compliance with the nomination

process, and resolution of Conflict of Interest processes. The Council shall make this grievance procedure available to all communities affected by HIV, clients, and providers of HIV services as stakeholders in the priority setting and allocation process

Scope

1. This procedure does not apply to:
 - a. Individual client grievances against funded providers;
 - b. Employment disputes;
 - c. Procurement or contracting actions of the Recipient;
 - d. Personnel matters;
 - e. Matters outside the authority of the Planning Council.

Procedure

1. To facilitate the prevention of grievance, the Planning Council shall:
 - a. Review and monitor all aspects of the setting of service priorities and the allocation of funds to said service priorities to ensure comprehensive, inclusive participation in all levels of the decision-making process.
 - b. Monitor the management of conflicts of interest at every level of the decision-making process.
 - c. Provide clarity to all participants by providing frequent communication with communities affected by HIV disease, clients, and providers of HIV services.
 - d. Provide notification to all interested people at every aspect of the priority setting and resource allocation processes.
 - d.e. PCS shall maintain grievance records in accordance with applicable public records retention requirements.
2. The Planning Council shall provide an opportunity for public comment prior to the finalization of Planning Council priorities and allocations.
 - ~~a. All decisions relating to the priority setting process, including:~~
 - ~~i. Needs Assessment Process~~
 - ~~ii. Comprehensive Planning~~
 - ~~iii. Conflict of Interest procedures~~
3. The following entities and individuals may bring a grievance against the Planning Council:
 - a. Individuals affected by HIV ~~disease~~

- b. Clients of HIV related services, including client groups/PLWH caucuses and coalitions
 - c. HIV service providers
- 4. The parties listed above may file a grievance regarding the following decisions by the Planning Council ~~related to funding~~:
 - a. Deviations from the Planning Council's established procedures in setting priorities (including any language regarding how best to meet the established priorities) and allocating funds to those priorities. ~~, and~~
 - b. Deviations from the Planning Council's established process for any subsequent changes to these funding allocations.
 - c. Deviations from the Planning Council's established processes regarding Integrated/Comprehensive Planning.
 - b.d. Deviations from the Planning Council's established procedures for Conflict of Interest management.
- 5. Grievances must meet the criteria outlined above. When a Grievance Resolution Form is filed that does not meet the established criteria, then the Planning Council Support (PCS) Office shall take the following actions to resolve the complaint informally:
 - a. Notify the grievant that the content of the complaint does not meet the established criteria within two (2) business days.
 - b. Resolve the complaint informally with at least one representative from the Part A Recipient, Part B Lead Agency, Planning Council Support, and either the Planning Council's Sr. or Jr. Co-Chair. Meetings to resolve the grievance that include two or more members shall be scheduled in accordance with the Florida Sunshine Law.
 - c. Inform the Executive Committee that a complaint was filed, unrelated to the criteria in the Grievance Policy and Procedure, and the outcome at the next scheduled Executive Committee Meeting. The outcome shall be included in the Executive Committee's portion of the bridge report at the next scheduled Planning Council Business Meeting.
- 6. Filing a grievance shall not delay or interrupt the delivery of HIV services, implementation of approved allocations, or required Ryan White administrative actions unless otherwise required by law.

5-7. Grievant responsibility: A grievance shall be in writing on the Grievance ~~and~~ Dispute Resolution form. The grievant shall:

- a. Specifically identify the decision to be grieved (~~e.g., i.e.~~, the service priorities set, the allocation of funds to priorities).
- b. Specifically identify the basis for the grievance, that is, the exact manner in which the grieved decision deviated from the established priorities and/or procedures.
- ~~c.~~ File the grievance with the Planning Council Support Office at the address on the form within ten (10) working days from the date the action occurred.
- ~~d.~~ ~~Request a review by the Executive Committee. Immediate mediation, if requested, is available only upon prior approval of the Committee. The Committee shall respond to all requests within ten (10) working days.~~

6-8. To facilitate the ~~informal~~ resolution of a grievance:

- ~~a.~~ PCS shall contact the grievant within two (2) business days to acknowledge the receipt of the grievance.
- ~~b.~~ The Executive Committee shall: Within five (5) business days of receipt, PCS (or Executive Committee) shall determine:
 - ~~i.~~ whether the grievant has standing;
 - ~~i.~~ whether the grievance falls within the scope of this policy; and
 - ~~—~~ whether sufficient information has been provided.
- ~~c.~~ Appoint a Grievance Coordinator/The PCS Office who shall be responsible for coordinating all aspects of the process; The Planning Council Support Office shall serve as Grievance Coordinator and shall coordinate all administrative aspects of the grievance process.
- ~~a.~~ obtaining feedback from communities affected by HIV ~~disease~~, clients, and providers of HIV services on the functioning of the priority setting and allocation process, and to solicit suggestions on its improvement.
- ~~d.~~ The Executive Committee ~~of the Planning Council~~ shall review every grievance, expedite and facilitate early resolution, or recommend informal mediation or arbitration.
- ~~e.~~ Parties are encouraged to pursue informal resolution prior to initiation of formal mediation or arbitration whenever feasible.

9. Any Planning Council member participating in review of a grievance must recuse themselves if:

- ~~a.~~ they are the subject of the grievance;
- ~~b.~~ they participated directly in the challenged decision;
- ~~c.~~ they have a financial or organizational conflict of interest; or

d. their impartiality could reasonably be questioned.

10. Meetings involving two or more Planning Council members convened for purposes of grievance review shall be publicly noticed and conducted in accordance with applicable Florida Sunshine Law requirements, unless otherwise exempt by law. Mediation communications shall be treated as confidential to the extent permitted by Florida law and shall not be introduced in subsequent arbitration proceedings unless independently admissible.

11. No individual or entity shall be subject to retaliation for filing a grievance or participating in the grievance process in good faith.

~~i. The Council shall make this grievance procedure available to all communities affected by HIV disease, clients, and providers of HIV services as stakeholders in the priority setting and allocation process.~~

~~b.a. _____~~ ~~The Committee or~~ Planning Council Support shall contact the grievant(s) within two (2) business days ~~upon receipt of the grievance after review by the Executive Committee~~ to arrange an informal session to attempt to resolve the grievance.

i. If the grievant and the Committee are unable to reach a resolution, the Executive Committee shall issue a Notice of Right to Proceed to Mediation.

~~ii.1. _____~~ All meetings between the Executive Committee, the grievant, and any outside mediator shall be held at a time and place that ~~is readily accessible~~ provides reasonable accommodations, with language interpretation, and auxiliary aids shall be provided upon request. to the grievant on by the Executive Committee.

~~iii.2. _____~~ All meetings between the Executive Committee, the grievant, appropriate parties, and any outside mediator shall be held at a time and place that ~~is readily accessible~~ provides reasonable accommodations, with language interpretation, and auxiliary aids shall be provided upon request. to the grievant.

7.12. _____ Mediation

a. Mediation may be requested if:

i. The Executive Committee approves and issues a Notice of Right to Proceed to Mediation, which is sent by certified mail to the grievant,
or

- ii. The grievant is not satisfied with the resolution.
- b. Mediation should be requested in writing within five (5) working days of receipt of the Notice of Right to Proceed to Mediation.
- c. The mediator may be mutually decided upon by all parties.
- d. If the parties are unwilling or unable to decide upon a mediator, the Grievance Coordinator shall refer the matter to the professional mediator previously identified by the recipient. The mediation shall be conducted in accordance with generally accepted principles of professional mediation.
- e. Mediation shall be scheduled within fourteen (14) days of the request in writing.
- f. If the parties are unable to resolve the grievance through mediation within one (1) day and do not agree to an extension, the mediator shall issue a Notice of Right to Proceed to Arbitration, which is sent by certified mail to the parties.

8.13. Arbitration

- a. Upon receipt of the Notice of Right to Proceed to Arbitration, the grievant may request arbitration.
- b. Within five (5) working days after receipt of the written Request for Arbitration, the Grievance Coordinator will request a list of arbitrators from the professional mediator and generate a list from the American Arbitration Association.
- c. The parties shall select an arbitrator acceptable to both within five (5) working days. Formal notice of the hearing shall be sent by the arbitrator to the parties at least seven (7) days in advance of the hearing date.
- d. The decision shall be rendered no later than fourteen (14) days from the date of the closing of the hearing.
- e. The maximum amount of time between the date of issuance of the Notice of Right to Proceed to Binding Arbitration and a final decision rendered by the arbitrator shall not exceed 60 days.
- f. Remedies shall generally apply prospectively and shall not require retroactive funding adjustments unless required by law. Remedies of arbitration may include:
 - i. reconsideration of Planning Council action;
 - ii. corrective procedural action;
 - iii. remand for reconsideration;
 - iv. modification of future process requirements.

e. _____

14. The grievant in requesting mediation and/or arbitration agrees that:

- a. The Planning Council shall make reasonable efforts to ensure that the grievance process remains accessible and not unduly burdensome to clients and community members.
- b. The Planning Council may require reasonable cost-sharing for formal mediation or arbitration involving an organizational grievant; however, filing fees for persons with HIV shall not exceed \$25.
- c. Each party shall otherwise bear its own legal and administrative costs unless otherwise agreed through mediation or arbitration.
- ~~f. Costs for all non-binding and binding Grievance Processes will be the initial responsibility of the grievant. A non-refundable filing fee client payable to Orange County, is required to initiate arbitration. The grievant is expected to pay a portion of the filing fees and initial costs for both mediation and/or arbitration. If the grievant is a Person with HIV, then the maximum fee that the individual will pay shall be \$25.00. In the event of a decision against the grievant reached at any step in the process, the grievant is expected to pay all incurred costs, with the exception of a Person with HIV. At any time in the process that a decision is made in favor of the grievant, the Planning Council shall assume responsibility and reimburse for all costs incurred during the current Grievance Process as allowable under administrative caps established by the Ryan White HIV/AIDS Program. Planning Council Support shall provide the grievant with the current approved fees for non-binding and binding Grievance Processes.~~
- d. In most circumstances, the relief shall be prospective rather than retroactive unless the parties agree that a specific grievance requires retroactive application.

15. Withdrawal of Grievance

- a. The Grievant shall have the right to withdraw the grievance at any time in writing to Planning Council Support.
- ~~g-b.~~ Upon receipt of written notification, the grievance shall be deemed withdrawn.