

## **GRIEVANCE AND DISPUTE RESOLUTION POLICY**

### **Policy**

It shall be the policy of the Minnesota Council for HIV/AIDS Care and Prevention to ensure an open and equitable process of establishing HIV/AIDS service priorities and the allocation of CARE Act funds to said priorities. The goal of this policy is to develop and support procedures which will result in the fair resolution of grievances related to the priority setting and allocations process and provide a grievance process for community members, consumers, and providers of HIV/AIDS services affected by these processes. This policy and procedure is designed to assist the Council in resolving concerns, complaints and formal grievances in an expedited manner.

### **Procedures**

1. To facilitate prevention of grievance, the Council will:
  - 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 conflict of interest management at every level of the decision making process.
  - c. Provide clarity to all participants by providing frequent communication with communities affected by HIV disease, consumers of HIV/AIDS services and providers of HIV/AIDS services, a clear written explanation of all processes which establish priorities and allocate funds to service categories.
  - d. Prepare and distribute clear statements of decision making principles related to priority setting and allocation of funds to service categories.
  - e. Provide notification to all interested persons at every aspect of the priority setting and funds allocation process.
  - f. Provide opportunity for public comment prior to finalization of Council priorities and fund allocation.
  
2. To facilitate the informal resolution of a grievance, the Council will:
  - a. Hold an annual election in March to seat the members of the Grievance Committee.
  - b. The HIV+ Council Co-Chair shall serve as the Grievance Coordinator unless said Co-Chair is mentioned in the submitted grievance. In the event the HIV+ Co-Chair is mentioned in the grievance, the Grievance Committee will select a Grievance Coordinator from the committee. The Grievance Coordinator is responsible for coordinating all aspects of the grievance process.
  - c. The Grievance Committee of the Council will be available for prompt review and, if possible, resolution of grievances prior to mediation or arbitration which tax the scarce resources of the Council, their staff and the grantees. The Committee will review every grievance and will expedite and facilitate early resolution, or recommend informal mediation or arbitration.
  - d. Make this grievance procedure available to all communities affected by HIV disease, consumers of HIV/AIDS services and providers of HIV/AIDS services as stakeholders in the priority setting and fund allocation process.

3. The following actions may be grieved:
  - a. All decisions relating to the priority setting process including needs assessment process, the comprehensive planning process, as well as the allocation of funds to service categories, may be grieved in accord with the policies and procedures established by the Council.
  - b. Compliance with the Open Nominations process.
  
4. The following entities and individuals may bring a grievance against the Council:
  - a. Individuals affected by HIV disease.
  - b. Consumers of HIV/AIDS related services.
  - c. HIV/AIDS service providers.
  
5. A grievance shall be in writing on the Grievance and Dispute Resolution form. The grievant shall:
  - a. Specifically identify the decision to be grieved, 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 Grievance Coordinator at the address on the form within five (5) working days of action by the Council.
  - d. First request a review by the Grievance Committee. Immediate mediation, if so requested, is available only upon prior approval of the Committee. The Committee will respond to all requests within five (5) working days.
  
6. Action by the Grievance Committee:
  - a. The Committee shall contact the grievant(s) promptly upon receipt of the grievance to arrange an informal session to attempt to resolve the grievance.
  - b. If the grievant or the Committee determines that the attempt to resolve the grievance or the resolution is unacceptable, they may request mediation. The Grievance Committee will issue a Notice of Right to Proceed to Mediation promptly upon termination of the informal resolution process.
  - c. The Grievance Committee and Council will keep confidential any information regarding a party's grievance and only share the information with those persons or entities having a need to know.
  - d. All meetings between the Grievance Committee, the grievant and any outside mediator shall be held at a time and place that is readily accessible to the grievant.
  
7. Mediation:
  - a. Mediation may be requested if:
    1. The Grievance Committee so approves, or
    2. The grievant is not satisfied with the resolution, if any, facilitated by the Grievance Committee, and
    3. The Committee issues a Notice of Right to Proceed, which is sent by certified mail to the grievant.

- b. Mediation shall be requested in writing within seven (7) working days of receipt of the Notice of Right to Proceed to Mediation.
  - c. The parties to the mediation may mutually decide upon a mediator.
  - d. If the parties are unwilling or unable to decide upon a mediator, the Grievance Coordinator will refer the matter to the Center for Mediation, a professional mediator who has been previously contacted by the grantees and agreed to provide an expedited negotiation process. The mediation shall be conducted in accord with generally accepted principles of professional mediation.
  - e. The mediation shall occur within seven (7) working days of receipt of the mutual request from the parties.
  - f. The mediation shall be concluded within one (1) day unless the parties agree to an extension.
  - g. 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.
  - h. The Grievance Committee and Council will keep confidential any information regarding a party's grievance and only share the information with those persons or entities having a need to know.
8. Arbitration:
- a. Upon receipt of the Notice of Right to Proceed to Arbitration, the grievant may request arbitration.
  - b. The request for arbitration shall be made within seven (7) working days.
  - c. Within seven (7) days after receipt of the written Request for Arbitration, the Grievance Coordinator will notify the Center for Mediation and request a list of arbitrators.
  - d. The parties will select arbitrators by alternately striking names from the list of arbitrators within seven (7) days. The other party may reject the grievant's choice only if the selected arbitrator was the mediator. The arbitration shall occur within ten (10) days of the selection of an arbitrator. 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.
  - e. The arbitration hearing shall occur at a time and place that is readily accessible to the grievant.
  - f. Generally, the arbitration hearing shall be concluded within one day. The arbitrator, for good cause shown, may schedule an additional hearing to be held within seven (7) days.
  - g. Unless otherwise agreed by the parties, the award shall be rendered not later than fourteen (14) days from the date of the closing of the hearing.
  - h. The maximum amount of time between the date of issuance of the Notice of Right to Proceed to Binding Arbitration and a final award is rendered by the arbitrator shall not exceed 60 days.
  - i. The Grievance Committee and Council will keep confidential any information regarding a party's grievance and only share the information with those persons or entities having a need to know.
9. The grievant in requesting mediation and/or arbitration agrees that:
- a. Costs for all non-binding and binding Grievance Processes will be the initial responsibility of the grievant. A \$100.00 non-refundable filing fee,

payable to Hennepin County, is required to initiate arbitration. The grievant is expected to pay all filing fees and initial costs for both mediation and/or arbitration. 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. At any time in the process that a decision is made in favor of the grievant, the Council will 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 Treatment Extension Act of 2009.

- b. In most circumstances, the relief shall be prospective rather than retroactive unless the parties agree that a specific grievance requires retroactive application.