

Corrective Action & Involuntary Removal

Purpose: The purpose of this policy is to ensure a fair and open process when it becomes necessary to remove a voting member from the Council.

The Council Membership Committee may recommend involuntary removal of members to the Planning Council and the Chief Elected Official for any of the following reasons:

- a. Change of status and/or loss of affiliation which qualified the member for appointment to the Planning Council; members are responsible for informing a Co-chair of the Membership Committee of any changes of status and/or loss of affiliation that may affect his/her ability to serve as a member.
- b. Conduct or behavior in office that has a negative impact on the integrity of or the community's confidence in the Council including, but not limited to: conflict of interest violations; malfeasance; making repeated unsubstantiated allegations under this section; unwelcome behavior or language that has the effect of offending, intimidating or demeaning a person on the basis of their sexual orientation, marital status, pregnancy, sexuality, gender identity, race, disability, age, or political or religious beliefs; repeated engagement in disruptive behavior or personal attacks, as defined by the Rules of Respectful Engagement, with council members, support staff, HIV Health Services Office Staff, or invited presenters; or other conduct that violates the By-laws or established Policies and Procedures adopted by the Planning Council.

Procedure

- I. **Removal by Chief Elected Official (CEO, Mayor of San Francisco)**
 - a. At any time, the CEO may terminate membership of a Planning Council member without the recommendation or approval of the Planning Council.
- II. **Removal for Cause Process**
 - a. Once an allegation has been made by a member of the Council or by a member of the community, it shall be the responsibility of the person receiving the information to request that the complaint be put in writing and immediately notify one or both of the Membership Co-chairs in writing without discussing the matter further with other Council members.
 - b. It will be the responsibility of the Membership Co-chairs to notify in writing the Council member against whom the allegation has been made. This notice shall be copied to the Mayor's representative and to City Legal Counsel.
 - c. It will be the responsibility of the Membership Co-chairs to forward the written allegation to the three Council Co-chairs within seven days of receipt.
 - d. The Membership Co-chairs will initiate the investigation within 30 days upon receipt of the written allegation and will manage the process. If the person making the allegation and/or the person against whom the allegation has been made are members of the Membership Committee, they shall not participate in discussions of the allegation. This investigation may be limited to the Membership Co-chairs in a case where the allegations are of such a nature that the person may be damaged by wider discussion. The individual against whom the complaint is made has discretion to request that all meetings regarding the allegation be open and public.
 - e. Investigation may include, but is not limited to: interviewing the complainant, the accused and any involved parties; and gathering any relevant information that may substantiate the allegation. The investigation, upon request of the accused, may include

a public hearing and opportunity to confront and present other involved parties relevant to the complaint.

- f.** Upon completion of the investigation, the Membership Committee may by majority vote:
 - i.** Find that the allegation is unsubstantiated and recommend no further action;
 - ii.** Find that the allegation is substantiated, and recommend corrective action less severe than removal from the Council which may include a letter of corrective action documenting the infraction, public or private censure, or removal from committee assignments;
 - iii.** Find that the allegation is substantiated, and recommend removal of the member to the Steering Committee and Council.
 - iv.** Ask the member to resign from the HCPC or working group, dismiss the member from the HCPC or working group, or some other appropriate option.
- g.** Recommendations for removal will be made to the Steering Committee for review and final approval and inclusion for a vote on the Council agenda. Recommendations for removal will include specific findings of fact, supported by substantial evidence that justifies the recommended action.
- h.** If the matter is taken to the Council, all information gathered, including statements from the complainant and the accused, and involved parties will be presented by the Membership Co-chairs.
- i.** All persons having knowledge of the allegation and the investigative process must maintain strict confidentiality outside of the Council.