

# San Antonio Area HIV Health Services Planning Council



## Bylaws, Roles and Responsibilities

2009

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## **Article I - General**

### **Section 1.1**

The name of the organization is the San Antonio Area HIV Health Services Planning Council (hereinafter referred to as "Planning Council").

### **Section 1.2**

The area served by the Planning Council shall consist of Bexar, Comal, Guadalupe and Wilson Counties, hereinafter referred to as the **Transitional Grant Area** or **"TGA"**, and other jurisdictions not within the boundaries of another TGA or Eligible Metropolitan Area ("EMA").

## **Article II - Legal Authority**

### **Section 2.1**

The Planning Council was created by the Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990 (Public Law No.101-381), which was reauthorized by the Ryan White HIV/AIDS Treatment Modernization Act of 2006 (Pub. L. No.109-415) (hereinafter referred to as "**RWHATMA**"). The Planning Council functions pursuant to the requirements of RWHATMA and was established and appointed by the Chief Elected Official of Bexar County, hereinafter referred to as "**CEO**", the County Judge of Bexar County, Texas.

## **Article III - Purpose & Mission**

### **Section 3.1**

The Planning Council is organized to provide effective planning and to promote the development of HIV/AIDS health and supportive services. The Planning Council's mission is:

To create a broad-based community response to the HIV epidemic affecting people within the TGA and to ensure the availability and coordination of the highest quality, comprehensive health and supportive services to individuals infected with or affected by HIV/AIDS.

### **Section 3.2 Duties**

The duties of the Planning Council, as specified by RWHATMA, shall be to:

**A.** Establish methods for obtaining input on community needs and priorities that

may include public meetings, conducting focus groups, convening ad hoc panels or other forums;

- B.** Participate in the development of the Statewide Coordinated Statement of Need initiated by the State public health agency responsible for administering grants under Part B;
- C.** Develop a comprehensive plan for the organization and delivery of core medical and support services, as described in RWHATMA, that is compatible with any existing State or local plans regarding the provision of health services to individuals with HIV/AIDS;
- D.** Establish and give an account of percentages for the allocation of funds within the TGA and Health Service Delivery Areas (HSDAs);
- E.** Assess the efficiency of the administrative mechanism in rapidly allocating funds to areas of greatest need within the TGA and to establish a mechanism to evaluate how well services are meeting community needs;
- F.** Present an evaluation of the effectiveness of the activities funded by the Planning Council in meeting their goals.

### **Section 3.3 Goals**

The Planning Council's goals are to:

- A.** Work with the government of Bexar County, the City of San Antonio and other political subdivisions within the TGA to ensure that the greatest number of persons and families living with HIV/AIDS receive the core medical and other supportive services they need;
- B.** Develop a service delivery plan to coordinate all HIV-related core medical and supportive services to persons and families living with HIV/AIDS;
- C.** Ensure a fair and equitable funding of all appropriate entities as defined in RWHATMA while taking all necessary affirmative steps to assure that minority and women's organizations are used whenever possible.
- D.** Identify current services and unmet service needs of persons and families living with HIV/AIDS through public meetings, focus groups, ad hoc panels or other forums;
- E.** Develop a comprehensive HIV Health Services Plan which establishes priorities for services to persons and families living with HIV/AIDS and which is in concert with state and local plans;
- F.** Develop a strategy to identify individuals who know their HIV status but are not in care (not having a current viral load count, CD4 Count or on Anti-Retroviral Therapy for the past twelve months as per **Health Resources Services**

- G. Develop a strategy to coordinate the provision of such services with programs for HIV prevention (including outreach, early intervention, harm reduction, etc.) and for the prevention and treatment of substance abuse.
- H. Develop a transparent process for allocation of funds under RWHATMA;
- I. Assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need for persons and families with HIV/AIDS.

## **Article IV - Membership**

### **Section 4.1 Qualifications and Composition**

- A. A “Member” as used in these Bylaws refers to a person duly and lawfully appointed to the Planning Council by the CEO.
- B. To qualify for membership on the Planning Council, an individual must have reached the legal age of consent in the State of Texas and either reside or work within the TGA or the HSDA, including the outlying HSDAs of Uvalde and/or Victoria.
- C. Ideally, the Planning Council shall be composed of Members of racial/ethnic groups, such as Latino/Hispanic, African-American, Native American, and Asian/Pacific Islander, in proportion to the racial/ethnic demographics of the TGA.
- D. At least one third (1/3) of the total Planning Council Membership shall be persons infected with HIV/AIDS and who are eligible to receive Ryan White services. To ensure parity, inclusion and representation of all HIV service issues, persons living with HIV/AIDS (hereinafter “**PLWHA**”) should include members of racial/ethnic groups in proportion to the racial/ethnic distribution of HIV cases or AIDS cases in the TGA and include: 1) youth, 2) co-infected with Hepatitis C, and 3) recently released from a correctional facility within the last three years. These Members cannot have conflicts of interest with an organization receiving or that could potentially receive Ryan White funding. See Section 8.2 (A) below. If a PLWHA develops a conflict of interest after being appointed a Member of the Planning Council under Section 4.1(E)(8), that Member shall immediately disclose such conflict of interest and tender her/his resignation or be subject to removal under Section 5.9 below. Such PLWHA is not barred from immediately applying for Membership on the Planning Council under a separate category, provided such continuing service does not exceed the term limitations of a Planning Council Member set forth in Section 4.3 below.
- E. The Planning Council shall consist of a maximum of thirty (30) Members and

shall ideally include representatives of the following groups:

- (1) Health Care Providers including federally qualified and non-qualified health centers;
- (2) Community-Based and AIDS Service Organizations serving affected populations;
- (3) Social Service/Housing/Homeless Service Providers;
- (4) Mental Health Care Providers;
- (5) Substance Abuse Service Providers;
- (6) Local Public Health Agencies;
- (7) Hospital Planning Agencies or Health Care Planning Agencies;
- (8) Infected/Affected Communities receiving Ryan White HIV-related services, including historically underserved groups and sub-populations. (See Section 4.1.D above);
- (9) Non-Elected Community Leaders;
- (10) State Medicaid Agency;
- (11) State Agency administering the program under Part B (Ryan White Part B Program);
- (12) Grantees under subpart II of Part C (Ryan White Part C Program);
- (13) Grantees under Part D, or if none are operating in the area, representatives of organizations with a history of serving children, youth, and families living with HIV and operating in the area.
- (14) Grantees under other Federal HIV programs to include, but not limited to, Housing Opportunities for Persons with AIDS (“HOPWA”);
- (15) HIV Prevention;
- (16) HIV-Related Fields (e.g. Research and Development & Other Fields);
- (17) Community Stakeholders, including Faith-Based Communities; and
- (18) Representative(s) from the outlying HSDAs of Uvalde and/or Victoria.

**F.** All committees shall consist of a maximum of fifteen (15) members, and may include a maximum of seven (7) non-Planning Council members with the

exception of the People's Caucus, as noted in Section 6.1(E)(6) below.

#### **Section 4.2 Nomination and Appointment**

- A.** Incorporated herein by reference Addendum A is the Planning Council Membership Recruitment and Nomination Process approved by HRSA in June 2005. The Membership, Nominations and Elections Committee will ensure that all members are appointed in accordance with the Nominations Process.
- B.** The Planning Council shall forward each nomination to the CEO for approval of the appointment. All appointments serve at the discretion of the CEO.
- C.** The Planning Council as a whole must be reflective of the affected population in the TGA. The PLWHA Membership shall also reflect the racial/ethnic, age and gender demographics of the HIV/AIDS population in the TGA.

#### **Section 4.3 Term of Service**

- A.** The term of service of each Planning Council Member shall be two (2) years beginning March 1 following the date of appointment by the CEO. A Planning Council Member shall serve no more than three (3) consecutive two-year terms. Those representing the Texas Department of State Health Services, Texas Medicaid, local Health Department, Part C, Part D, and HOPWA representatives are exempt from these term limit restrictions since their respective agencies nominate individuals who can adequately represent them, and may have a limited pool of potential candidates.
- B.** Members shall serve for staggered terms and shall serve until their successors are appointed by the CEO. The CEO shall appoint half of the Members in odd-numbered years and half in even-numbered years. Each Member will be required to sign a Code of Conduct Agreement (listed as Appendix 5) with the Planning Council to fulfill its mandates.
- C.** Any Member who is ineligible for re-appointment because of term limitations may re-apply to the Planning Council after a hiatus of twelve (12) months. All individuals are encouraged to continue to remain active at the Standing Committee level while on hiatus.
- D.** An updated roster of the names and term expiration dates of Planning Council Members shall be made available to all Planning Council Members.

#### **Section 4.4 Officers**

- A.** Two Co-Chairs and a Vice-Chair shall be the officers of the Planning Council. The Co-Chairs and Vice-Chair shall be elected by a majority vote of a quorum of the Planning Council. The Co-Chairs shall serve staggered terms until their successor is elected. All subsequent elections will be held with one Co-Chair

being elected to serve a two (2) year term starting March 1 of the year elected. The Vice-Chair shall serve a two (2) year term starting March 1 of the year elected. The term of service of any officer is subject to the term limitations of a Planning Council Member set forth in Section 4.3 above. In the event that no officers are serving, the Member with seniority shall serve as Acting Chair to call a Planning Council meeting to order and request the Membership, Nominations and Elections Committee to open nominations for the purpose of electing officers.

**B. Co-Chairs:** One or both Co-Chairs shall:

- (1) preside at all Planning Council meetings. While presiding, the Chair will vote only to break a tie;
- (2) appoint Chairs and all Members to serve on any of the Standing and Sub-Committees with exceptions for the People's Caucus as noted in Section 6.1(E)(6) below;
- (3) be ex-officio voting Members of each Standing Committee;
- (4) agree on administering the duties and responsibilities of the Planning Council. If the Co-Chairs are unable to agree, a meeting will be called to present the dispute before the Planning Council for resolution;
- (5) perform all other duties necessary or incidental to the position. Each Co-Chair will sign a Memorandum of Agreement with the Planning Council to fulfill its mandates;
- (6) be a person with HIV/AIDS;
- (7) keep, or cause to be kept:
  - (a) Membership and attendance records;
  - (b) Written notice of resignation or removal of Members and officers;
- (8) ensure that nominations and appointments are carried out in a timely manner;
- (9) call, or cause to be called, annual, regular, and special meetings of the Planning Council consistent with Article V; and
- (10) serve as parliamentarian, when s/he is not chairing the meeting.

**C. Vice Chair:** The Vice Chair shall

- (1) preside at meetings of the Planning Council in the absence of the Co-Chairs, and while presiding, will vote only to break a tie;

- (2) collaborate with and assist the Co-Chairs in performing their duties as needed;
  - (3) serve as Chair of the Executive Committee and establish the Planning Council agenda;
  - (4) develop an annual activities plan for the Planning Council; and
  - (5) perform all other duties necessary or incidental to the position. The Vice Chair will sign a Memorandum of Agreement with the Planning Council to fulfill its mandates.
- D. In the absence of the Co-Chairs and Vice Chair, the Member with seniority will serve as Acting Chair in order to call the Planning Council meeting to order.

### **Section 4.5 Vacancies**

In the event that a Planning Council seat becomes vacant, the Membership, Nominations, and Elections Committee in a timely manner will present a nomination for membership to the Planning Council to submit to the CEO for approval of the appointment. All vacancies occurring prior to expiration of the term shall be filled for the remainder of the term. Any member appointed to fill a vacancy shall not be barred from serving three (3) consecutive two-year terms upon the completion of that vacancy.

## **Article V – Meetings**

### **Section 5.1 Regular Meetings**

- A. A regular meeting schedule shall be established by the Executive Committee in February of each year. The Planning Council shall meet at least six times in a grant year.
- B. All meetings of the Planning Council shall follow the Open Meetings Act of the State of Texas. The right to speak at any meeting of the Planning Council shall be limited to Members, Planning Council Staff and the Grantee. Members of the public wishing to speak on a specific subject matter may do so at a Planning Council Meeting. Public speakers will be limited to five (5) minutes each unless otherwise agreed by a simple majority of Planning Council Members present.

### **Section 5.2 Notice of Meeting**

All members shall be notified of the time, place and agenda of all meetings (with the exception of Emergency Meetings in Section 5.3(B) below) of the Planning Council and its Standing Committees by telephone, electronically, facsimile, mail or hand delivery not less than seventy-two (72) hours prior to the scheduled date and time of the

meeting. Public notice of the meeting time, place and agenda shall be posted at least seventy-two (72) hours prior to the specified meeting time at the official posting area of each county within the TGA where feasible, the Office of the Texas Secretary of State and the administrative agency of HRSA.

### **Section 5.3 Special and Emergency Meetings**

- A.** A special meeting of the Planning Council may be called by either of the Co-Chairs or at the written request of any fifteen (15) Members of the Planning Council. The call or notice for a special meeting must state specifically the subject matter of the meeting. No other subject matter may be introduced or considered at the meeting.
  
- B.** An emergency meeting may be held or an emergency subject added as an agenda item for a meeting already posted on the call of either of the Co-Chairs or the written request of any Planning Council Committee Co-Chair or Staff. An emergency or an urgent public necessity exists only if the subject requires immediate action by the Planning Council or any of its Committees because of an imminent threat to public health and safety or a reasonably unforeseeable situation (must be reviewed by the County's District Attorney's Office prior to announcing the public meeting). The notice of a meeting or the supplemental notice of a subject added as an item to a meeting agenda for which notice has been posted, shall be posted for at least twenty-four (24) hours before the meeting is convened. All Members shall be notified of the Emergency meeting by telephone, electronically, facsimile or hand delivery. The call or notice for an emergency meeting or the supplemental notice of a subject added as a meeting agenda item must specifically state the subject matter of the meeting or added subject. No other subject matter may be introduced or considered at an emergency meeting.

### **Section 5.4 Attendance**

Members are required to attend all scheduled Planning Council meetings and expected to dedicate **a minimum of 10 hours per month to Planning Council activities.**

Planning Council Members will be allowed two (2) absences every six (6) months per grant year (March 1 – August 31; September 1 – February 28). Any member unable to attend a Planning Council or Committee meeting is responsible for notifying and/or submitting an explanation to the Planning Council Support Staff. The Membership, Nominations and Elections Committee will be responsible for recommendations to the Planning Council to excuse the absence(s) or to remove the member.

If available, teleconferencing shall be made available for members who are unable to attend Planning Council and Committee meetings in person. Participation by teleconference shall count toward the quorum and attendance requirements stated in these Bylaws, provided the member notify Planning Council support staff of the need to participate by teleconference in advance of the meeting and the member is able to participate by teleconference for the duration of the meeting.

## **Section 5.5 Parliamentary Procedure**

The rules of parliamentary procedure as set forth in the most current edition of Robert's Rules of Order shall be the parliamentary authority for all matters not specifically covered in these bylaws and shall govern all meetings of the Planning Council except as otherwise provided. The Planning Council may appoint a parliamentarian to assist the Co-Chairs if deemed necessary.

## **Section 5.6 Quorum**

- A.** A quorum of the Planning Council must be present at any meeting in order for the Planning Council to engage in formal decision-making. A quorum is defined as more than one-half of the Planning Council Membership. In computing a quorum, vacant seats shall not be counted. Once a quorum is established, a meeting may continue until adjourned. If a quorum is not established, then the present Co-Chair(s) may set a special meeting. Members in attendance at that time will be considered to have been notified of the new meeting, while Members not in attendance will be notified in accordance with Section 5.2 above.
- B.** A quorum of a committee must be present at any meeting in order for the committee to engage in formal decision-making (with exceptions noted for the People's Caucus in Section 6.1(E)(6) below). A quorum is defined as three (3) committee members present to include at least one PLWHA who does not have a conflict of interest pursuant to Section 8.2 (A) below.
- C.** Where available, teleconferencing can be used to establish a quorum at the Planning Council or committee level.

## **Section 5.7 Minutes**

The Planning Council will follow the Open Records Act of the State of Texas. The minutes will be available for public review upon request. Planning Council Members and Committee Members will receive the written minutes fifteen (15) working days after the date of the meeting.

## **Section 5.8 Voting**

- A.** At any meeting of the Planning Council each Planning Council Member is entitled to one vote on any question provided that a quorum is present. Proxies shall not be permitted. Voting upon any question before the Planning Council shall be by voice vote, ballot or show of hands of the Members. All Members who abstain on any vote shall have their names shown in the minutes of the meeting as having abstained. Upon the request of any Member in attendance, voting upon a question shall be by roll call.
- B.** Members on teleconference are entitled to one vote. If ballot vote is necessary for member on teleconference, voice vote will be required.
- C.** Each Standing Committee Member who has been appointed by the Planning

- D. Any Planning Council or Standing Committee Member who has a conflict of interest in accordance with Section 8.2 (A) below is required to declare the conflict and abstain from any and all votes in and around the issue, including slate votes. "A slate vote" is defined as a vote on more than one category or issue at the same time. Failure to declare the conflict or to abstain from the vote is cause for removal.

### **Section 5.9 Process for Removal of Members**

Failure of any Planning Council Member to fulfill his/her responsibilities in accordance with these bylaws or Planning Council Code of Conduct is cause for removal. The Executive Committee (EXEC) will review and investigate any charge, and if warranted, recommend any removal of a member for cause, which will require a two-thirds majority vote of the Members who are present at a Planning Council meeting provided that a quorum is present.

## **Article VI – Committees**

### **Section 6.1 Standing Committees**

- A. Standing Committees shall meet regularly and report on their recommendations at each regular meeting of the Planning Council. The Planning Council has final approval authority over recommendations from any Standing Committee. Standing Committees and Caucuses are not authorized to expend funds allocated for Planning Council activities except as specifically authorized by the Planning Council.
- B. Each Planning Council Member is required to be a Member of at least one (1) Standing Committee. With the exception of the People's Caucus, each Standing Committee shall have no fewer than three (3) Planning Council Members (including Committee Chairs), and adhere to quorum requirements.
- C. All Standing Committees shall be available to assist in completing the annual Ryan White Program grant applications by providing pertinent data and information upon request. The Committee Chair must approve all reports of the Committees. Any Standing Committee that adopts Standing Rules must provide a written record of such rules to the Planning Council staff with updates, as necessary. Unless otherwise provided in these bylaws Standing Committees have the option of using Robert's Rules of Order or consensus in making decisions.
- D. Subcommittees may be established by the Co-Chairs.
- E. The Standing Committees of the Planning Council include, but are not limited to

the following:

(1). **Executive Committee (EXEC)**

Shall consist of the officers of the Planning Council and the Chair/Co-Chairs of each Standing Committee and Caucus.

The following are the Executive Committee core responsibilities:

1. Ensuring that the work of standing committees progresses in an orderly and integrated fashion;
2. Receiving reports from Committee Chairs;
3. Coordinating the efforts of all standing committees involved in the development of the Ryan White Program grant applications;
4. Coordinating the work of the Planning Council with the Administrative Agency;
5. Reviewing the performance of the Administrative Mechanism;
6. Setting the date and agenda for each Planning Council meeting;
7. Establishing a Grievance Committee, when needed, as set forth in Addendum B attached to these Bylaws;
8. Reviewing and investigating any violations of the Code of Conduct, and if warranted, recommending the removal of a Member for cause; and
9. Performing other duties as may be required or assigned by the Co-Chairs of the Planning Council or by vote of the Planning Council.

Unless expressly authorized by the full membership of the Planning Council, the Executive Committee is not authorized to act on behalf of the Planning Council or its Committees on any matters other than those listed in this subsection.

(2). **Needs Assessment (NA)**

The following are the NA Committee core responsibilities:

1. Developing and implementing a needs assessment strategy that will provide data that guides:
  - The development of the TGA's continuum of care;
  - Contents of grant applications; and
  - The intent and strategic direction of the Comprehensive Plan;
2. Developing an assessment strategy in collaboration with the Grantee (Administrative Agent);
3. Participating in the Statewide Coordinated Statement of Need; and
4. Performing other duties as may be required or assigned by the Planning Council.

(3). **Service Priority Setting and Allocations (SPSA)**

The following are the SPSA Committee core responsibilities:

1. Making recommendations to the Planning Council for the priority setting among service categories in accordance with RWHATMA procedures;
2. Making recommendations to the Planning Council for the distribution of funds among service categories in accordance with RWHATMA and committee policy and procedures;
3. Providing guidance regarding the purchase of services that will be used in developing Requests for Proposals; and
4. Performing other duties as may be required or as assigned by the Planning Council.

**(4). Comprehensive Planning/Continuum of Care (CPCC)**

The following are the CPCC Committee core deliverables:

1. Developing the TGA's Continuum of Care, service category Standards of Care, service category Definitions, and defining service category Units of Service;
2. Reviewing and developing a Comprehensive Plan every three years in accordance with the RWHATMA, in collaboration with the Grantee (Administrative Agent);
3. Reviewing biannually the progress of Comprehensive Plan goals and objectives, in collaboration with the Grantee (Administrative Agent); and
4. Performing other duties as may be required or as assigned by the Planning Council.

**(5). Membership, Nominations and Elections (MNE)**

The following are the MNE Committee core deliverables:

1. Recruiting, screening and recommending potential candidates for Membership to the Planning Council;
2. Tracking Planning Council Membership classifications and demographics as well as changes in population affected by HIV/AIDS;
3. Recommending appropriate Membership classification and representation modifications;
4. Tracking members' attendance records at Planning Council and Committee meetings, and reporting attendance concerns to the Executive Committee.
5. Notifying the Planning Council of vacancies;
6. Reviewing the nomination process;
7. Creating a public relations process;
8. Establishing a mentoring program;
9. Ensuring all Planning Council Members, including new Members, receive orientation and training provided by the Planning Council in coordination with the Administrative Agent; and
10. Performing other duties as may be required or as assigned by the Planning Council.

**(6) People's Caucus (PC)**

These bylaws establish a San Antonio Area People's Caucus, in accordance with RWHATMA, to be formally recognized as affiliated with the Planning Council. The purpose of the PC is to strengthen full and effective participation of people with HIV/AIDS and to provide feedback on Planning Council activities and regular input into Planning Council processes. Membership of the PC shall be limited to infected and affected consumers of HIV/AIDS services. The PC will have one Co-Chair elected by PC members who may or not be a member of the Planning Council and one appointed by Planning Council Co-Chairs who must be a member of the Planning Council. Attached as Addendum 3 are the People's Caucus Committee Standing Rules.

The following are the PC core deliverables:

1. Providing a liaison to each of the other Committees of the Planning Council with the purpose of communicating Committee deliberations to the PC for review and feedback before final Committee recommendations are brought before the Planning Council;
2. Assuring that efforts will be made in a culturally sensitive manner to address the needs of the traditionally underserved and/or hard to reach populations;
3. Conducting ongoing education for consumers;
4. Creating liaisons and/or relationships within the traditionally underserved and hard to reach populations;
5. Performing other duties as may be required or as assigned by the Planning Council.

## **Section 6.2 Ad Hoc Committees**

When necessary, the Chair may create ad hoc committees to address specific needs. In such instances, Planning Council approval is required by majority vote. The Chair of an ad hoc committee shall be a member of the Planning Council. An ad hoc committee must be composed of a minimum of three Planning Council members appointed by the Planning Council Co-Chairs. In addition, community members may serve on an ad hoc committee. The recommendation to dissolve an ad hoc committee must be offered by the ad hoc committee Chair, or by the Planning Council Co-Chairs, and approved by majority vote of the Planning Council.

## **Article VII - Non-Discrimination**

### **Section 7.1**

The officers, Members and Committee Members of the Planning Council shall be selected without discrimination with respect to age, gender, race, religion, disability, sexual orientation, gender identity or expression, HIV status or national origin.

### **Section 7.2**

The Planning Council business and activities shall be conducted fairly and equitably in a manner which does not discriminate on the basis of age, gender, race, religion, disability, sexual orientation, gender identity or expression, HIV status or national origin.

## **Article VIII - Conflict of Interest**

### **Section 8.1**

Members of the Planning Council and its Committees shall comply with federal, state and local laws and regulations of the municipalities by which they were appointed.

### **Section 8.2**

- A.** In general, a “conflict of interest” occurs when a Member takes an action that results or has the appearance of resulting in personal, organizational or professional gain. No Member of the Planning Council or its Committees shall knowingly take action to influence the conduct of the Planning Council in such a way as to confer any financial benefit on such Member, his or her family Members, spouse or partner, or any organization in which the Member, his or her family Members, spouse or partner serves in an official capacity. Service in an official capacity shall include service as an employee, owner, stockholder, director, board of directors member, consultant, or officer that represents any such entity or organization which is seeking or receiving funding from Ryan White programs. A member who serves solely as a volunteer, community advisory board member, or is the recipient of services, shall not be deemed to have a conflict of interest under this section.
- B.** All members are required to submit a Conflict of Interest Disclosure Form immediately upon change of conflict status (Appendix 6).
- C.** On issues in which a Planning Council or Committee Member has a conflict of interest as described above, the Member may not vote. The Member may participate in discussion upon declaring a conflict of interest. Planning Council and Committee Co-Chairs, Members and staff will be responsible for monitoring the disclosure of Members’ conflicts of interest.

### **Section 8.3**

In the event that a matter which raises a potential conflict of interest comes before the Planning Council and/or its Committees for consideration, recommendation or decision, the Member shall disclose the conflict of interest as soon as he or she becomes aware of it and the disclosure shall be recorded in the minutes of the meeting.

### **Section 8.4**

No Member of the Planning Council and/or its Committees who is aware of a potential conflict of interest with respect to any financial matter coming before the Planning Council or the Committee shall vote in connection with the matter in accordance with

Section 5.8(D) above. Failure to adhere to conflict of interest standards is cause for removal from membership.

### **Section 8.5**

These provisions shall not be construed to prevent or discourage any Member of the Planning Council or its Committees from disclosing relevant information or stating a position with respect to any matter.

### **Section 8.6**

No Member of the Planning Council or its Committees shall engage in any activity which is contrary to or in conflict with the goals and purposes of the Planning Council or the parties herein.

## **Article IX - Grievances**

### **Section 9.1**

Incorporated herein by reference Addendum B, are the San Antonio TGA HIV Planning Council Grievance Procedures. All grievances brought to the Planning Council will be the responsibility of the Executive Committee.

## **Article X - Amendments**

### **Section 10.1 Amendment Process**

These Bylaws may be amended or repealed or new Bylaws may be adopted by the Planning Council at any Regular Meeting by a two-thirds majority vote of the Members who are present and voting with a quorum, provided that the amendment has been submitted in writing to the Members for their review not less than ten (10) days prior to the vote.

### **Section 10.2 Actual Amendments**

These bylaws were approved and adopted, as amended, by the Planning Council on November 9, 1994.

These bylaws were amended in **Section 6.1 (d)** in accordance with established procedures January 9, 1995.

These bylaws were amended in **Section 5.9, Section 6.1 (b), Section 6.1 (c), Section 6.1 (d), Section 6.1 (e), Section 6.1 (g), and Section 6.1 (i)** in accordance with established procedures January 9, 1996.

These bylaws were amended in **Section 4.1, Section 4.5, Section 4.6 paragraph (3) (9) (10), Section 5.6, Section 5.10,** in accordance with established procedures June 17, 1996.

These bylaws were amended in **Section 8.2,** in accordance with established procedures

September 17, 1996.

These bylaws were amended in **Section 3.2 paragraph (d) (e), Section 4.1, Section 4.3, Section 4.6, Section 5.13 (C), Article IX - Section 9.1, and Article X**, in accordance with established procedures June, 11, 1997.

These bylaws were amended in, **Section 4.6, Section 6.1(a)(b)(c)(d)(e)(f)**, in accordance with established procedures August 13, 1997.

These bylaws were corrected, updated, revised, and/or amended in **Article II - Section 2.1; Article III - Sections 3.2 & 3.3; Article IV - Sections 4.1; 4.1.D.(1) & (2), (4) - (8), & (8) - (12); 4.2; 4.3; 4.4; 4.5; 4.6.; 4.7; Article V - Sections 5.2 - 5.13; Article VI - Sections 6.1 - 6.3; Article VII - Section 7.1; Article VIII - Sections 8.2 & 8.4; Article IX - Section 9.1; & Article X - Sections 10.1 & 10.2** in accordance with established procedures January 20, 1999.

These bylaws were corrected, updated, revised and/or amended in **Article I – Sections 1.1 & 1.2; Article II – Sections 2.1, Article III – Sections 3.1, 3.2 & 3.3; Article IV – Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 & 4.7; Article V – Sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.8, 5.9, 5.10, 5.11 & 5.12; Article VI – Sections 6.1, 6.2 & 6.3; Article VII – Sections 7.1 & 7.2; Article VIII – Sections 8.2 & 8.4; and Article X – Section 10.2** in accordance with established procedures February 18, 2004.

These bylaws were corrected, updated, revised and/or amended in **Article II – Sections 2.1; Article III – Sections 3.1, 3.2 & 3.3; Article IV – Sections 4.1, 4.2, 4.3, 4.5, & 4.7; Article V – Sections 5.4, 5.5, 5.7, 5.11 & 5.12; Article VI – Section 6.1; Article VIII – Section 8.2; and Article X – Section 10.2** in accordance with established procedures January 17, 2006.

These bylaws were corrected, updated, revised and/or amended in **Article I –Sections 1.1 & 1.2; Article II – Section 2.1; Article III- Sections 3.1, 3.2 & 3.3; Article IV – Sections 4.1, 4.2, 4.3, 4.4, 4.5, 4.6 & 4.7; Article V – Sections 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.7, 5.8, 5.9, 5.10, 5.11 & 5.12; Article VI – Sections 6.1 & 6.2, Article VII – Section 7.1 & 7.2; Article VIII- Sections 8.2 & 8.4; Article IX – Section 9.1; and Article X- Sections 10.1 & 10.2** in accordance with established procedures November 20, 2007.

These bylaws were corrected, updated, revised and/or amended in **Article VI-Section 6.1(F)(6)** in accordance with established procedures on February 19, 2008.

These bylaws were removed from the most recent edition in accordance with established procedures on February 17, 2009: **Article III—Section 3.2(F), Article IV—Sections 4.2, 4.3, 4.5(C), 4.7(B), Article V—Section 5.1, Article VI—Sections 6.1(C), 6.1(E)(7)**. These bylaws were corrected updated, revised and/or amended in accordance with established procedures on February 17, 2009: **Article III—Sections 3.2(D), 3.3(H), Article IV—Sections 4.1(B), 4.1(E), 4.1(E)(17), 4.1(F), 4.2(A), 4.2(B), 4.3(A), 4.3(B), 4.3(C), 4.5, Article V—Section 5.5, 5.6(B), 5.7, 5.8(B), Article VI—Sections 6.1(E), 6.2, and Article VIII—Section 8.2(B)**.

# Addendums

## ADDENDUM A

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# PLANNING COUNCIL'S RECRUITMENT AND NOMINATION PROCESS

The current bylaws provisions concerning recruitment and nominations include the following:

The membership of the Planning Council shall be appointed by the CEO. Such appointments should reflect the diversity of affected populations, as well as HIV-related institutions and community-based health and support service providers. All Planning Council members are appointed by and serve at the discretion of the CEO.

The Planning Council must be composed of members of racial/ethnic groups, such as Latino/Hispanic, African-American, Native American, and Asian/Pacific Islander, in proportion to their representation in the HIV epidemic of the TGA. The Planning Council membership includes all membership categories mandated by legislation.

The nomination and selections process requires the Planning Council to:

- I. Publicize the membership qualifications required to meet the legislatively mandated composition and reflectiveness of the epidemic in the TGA.
- II. List the time commitment and the need to disclose any and all conflicts of interest on the membership application (as described in the Bylaws, Article VIII).
- III. Pose open-ended questions in the interview process regarding the applicant's experience, knowledge and background in advocacy work preferably in a HIV related field.

In addition to the current recruitment process, which includes announcements at each AIDS Service Organization and individual efforts by members, the Planning Council will initiate a letter campaign to other local community-based organizations, community boards and commissions, community newspapers and the general public on membership needs.

The current time line for appointment to the Planning Council is to be done (based on vacancies) on an as-needed basis, and shall take no longer than 60 days. Annually, approximately one-half of the members are appointed for two years. If there is a vacant seat, the Membership, Nominations and Elections Committee (MNE), will implement the recruitment and nomination process mentioned before to ensure that the Planning Council is representative and reflective of the HIV epidemic in the TGA and of RWHATMA mandated representation.

The MNE will provide training and orientation for new members to ensure that all members effectively contribute and participate in the planning process for services. In addition, the MNE will assign a mentor for newly appointed members requesting additional assistance in fulfilling their role in the Planning Council.

Regarding conflicts of interest, the MNE Committee generally seeks to avoid over-representation from any single entity within the community in an effort to ensure diverse points of view.

## ADDENDUM B

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# PLANNING COUNCIL'S GRIEVANCE PROCEDURES

### 1. Grievance Procedure Requirement

Section 2602 (b) of the Ryan White CARE Act, and as subsequently amended in the Ryan White Treatment Modernization Act of 2006, requires, in part, that Planning Councils develop procedures for addressing grievances with respect to funding, including procedures for submitting grievances that cannot be resolved to binding arbitration. Such procedures shall be described in the bylaws of the Planning Council and be consistent with the requirements of subsection (c).

### 2. Policy

It is the policy of the San Antonio HIV Health Services Planning Council for the Ryan White Treatment Modernization Act Part A grant program to provide a process by which a grievant's complaint regarding priority setting or resource allocation process can be addressed and resolved quickly. A grievant shall not be discriminated against nor suffer retaliation as a result of filing a grievance in good faith or participating in the investigation of a grievance.

### 3. Scope of coverage

This procedure applies to the priority setting and resource allocation processes under the Ryan White Treatment Modernization Act Part A.

### 4. Definitions

Definitions of terms-used throughout this procedure are contained in Appendix 1, which is attached hereto and is fully incorporated by reference.

### 5. Eligible Grievant

Entities directly affected by the outcome of a Planning Council decision related to priority setting or resource allocation process for Ryan White grant funds are eligible to initiate a grievance. These entities are limited to:

- HIV service providers eligible to receive funding from the Ryan White grant.
- HIV consumer groups, Persons Living with HIV/AIDS coalitions or caucuses.

### 6. Eligible Grievances

The Planning Council priority setting or resource allocation process decisions regarding Ryan White grants will be made in accordance with established policies and procedures approved by the Planning Council for the setting of service category priorities and the resource allocation process. Eligible grievants, as defined above, may initiate a grievance regarding a deviation from the then-applicable Planning Council approved priority setting or resource allocation process as they apply to:

- **Deviation from an established, written priority setting or resource allocation process.**
- **Deviation from an established, written process for any subsequent changes to priorities or allocations.**

### 7. Dispute Prevention

The Planning Council will make all reasonable efforts to prevent circumstances or situations regarding the priority setting or resource allocation process that could give rise to a grievance. When an entity is directly affected by the outcome of the priority setting or resource allocation process because the Planning Council did not adhere to its established, written procedure(s) for the priority setting or resource allocation process for the Ryan White grant funds, the Planning Council will cooperate and explain its rationale for the decision in an effort to resolve the disagreement at an early, informal stage.

It is expected that entities which have a disagreement regarding the priority setting or resource allocation process will identify the situation to the Planning Council Co-Chairs at the earliest opportunity. The Planning Council Co-Chairs shall attempt to informally resolve disputes by providing information or statements to entities dissatisfied with the priority setting or resource allocation process. Grievants are expected to cooperate in good faith with the Planning Council in efforts to resolve the disagreement before formal grievance procedures are pursued.

Entities that have not been able to resolve a disagreement by the informal techniques of dispute prevention may, within the guidelines presented herein, initiate the formal, structured grievance process.

## **8. Grievance Process Overview**

Grievances regarding the priority setting or resource allocation process for Ryan White grant funds will be addressed by the Planning Council using the following approach:

**Priority Setting or Resource Allocation Process Review** - After all attempts at an informal dispute resolution have been made, the grievant will submit a written Request for Priority Setting or Resource Allocation Process Review to the Planning Council Co-Chairs. After investigation by the Co-Chairs, a report to include recommended actions that are expected to resolve the grievance will be written. Upon review and approval by the Executive Committee of the Planning Council, it will be provided to the grievant. If the report satisfies the grievance, the grievant will so indicate by signing the report.

**Mediation** - Failing resolution through the Priority Setting or Resource Allocation Review process, the grievant may submit a Request for Mediation to the Bexar County Dispute Resolution Center (BCDRC). Upon deciding to do so, the grievant must simultaneously submit a copy of this request to the Planning Council Co-Chairs. A mediator will be selected by BCDRC. The role of the mediator will be to help the parties reach agreement on a resolution to the grievance and document in a report recommended actions that are expected to resolve the grievance. If the recommendation satisfies the grievance, the grievant will so indicate by signing the report.

**Binding Arbitration** - Failing resolution through the mediation process, the grievant may submit a Request for Binding Arbitration to the Planning Council Co-Chairs. An arbitrator will be selected by both parties. The arbitrator, following the rules of the American Arbitration Association (AAA) will review all relevant information concerning the grievance and render a resolution that will be binding on both parties. Both parties will acknowledge receipt and acceptance of the resolution by signing the arbitrator's resolution.

**Costs** – Costs associated with the arbitration process will be borne by the parties equally. However, each party shall be responsible for expenses related to its own counsel, experts, witnesses, and preparation and presentation of all documents. Cost and fees may include, but are not limited to, all reasonable pre-award expenses of the mediator's or arbitrator's fees, travel expenses, out-of-pocket expenses for copying and telephone.

Each of the above processes will be in accordance with the time frames indicated in this grievance procedure.

## **9. Funding of Contracts while a Grievance is in Process**

To ensure the provision of HIV-related services while a grievance is in process, the Planning Council will implement its priority setting or resource allocation process according to its original schedule. Agreed grievance resolutions will be prospective (i.e., they will not require reversal of priorities or categorical allocations made in support of the funding decision being grieved) unless such actions are an agreed component of the grievance resolution.

## **10. Time Extensions**

Time frames identified in this procedure may be altered only by mutual agreement, in writing, of both parties to the specific time frame.

## **11. Priority Setting or Resource Allocation Process Review**

If reasonable attempts to resolve priority setting or resource allocation process disagreements have not resulted in a solution acceptable to both parties, the eligible grievant may initiate the grievance process by submitting a written Request for Priority Setting or Resource Allocation Process Review Form. The Planning Council Co-Chairs must receive this request within ten (10) business days of the occurrence of an alleged deviation by the Planning Council from its published priority setting or resource allocation policies and procedures. If a request is not received within the ten (10) business days, the grievant will have waived all rights to grieve the priority setting or resource allocation decision. The Request for Priority Setting or Resource Allocation Process Review Form is attached hereto in Appendix 2 and is fully incorporated herein by reference.

The Planning Council Co-Chairs are the individuals designated to receive the Request for Priority Setting or Resource Allocation Process Review. The request, in writing, must be delivered by U.S. mail, return receipt requested, or by personal delivery, during Office of Planning Council normal business hours, 8:00 a.m. to 5:00

p.m.

The Planning Council Co-Chairs will provide a written summary of the options available to the grievant under the informal dispute prevention process and the formal grievance procedure. The Co-Chairs will also provide the grievant with a written outline and time frames describing the procedures.

Upon receipt of a Request for Priority Setting or Resource Allocation Process Review, the Planning Council Co-Chairs, or their agent, will within the days shown below, complete the following actions:

- Five (5) business days: acknowledge, in writing, receipt of the Request for Priority Setting or Resource Allocation Process Review to the grievant at the address shown on the request.
- Five (5) business days after acknowledgement: determine if the grievant is an eligible grievant, and if he/she has identified an eligible grievance.
- Fifteen (15) business days after determination of eligibility: complete a thorough review of the circumstances and information available regarding the grievance. This may include, but is not limited to:
  - Reviewing all correspondence, records, or documentation related to the priority setting or resource allocation process that is the subject of the grievance, interviewing any or all persons who have, or might have, knowledge of the priority setting or resource allocation process, or were, or could be, affected by the priority setting or resource allocation process thereto.
- Twenty (20) business days after determination of eligibility: deliver to the Executive Committee of the Planning Council:
  - A Priority Setting and Resource Allocation Process Review Report for review and approval summarizing the priorities or allocations decisions, whether the Planning Council Co-Chairs believe there is a basis for the grievance and, if appropriate, recommended action(s) that are expected to resolve the grievance;
  - A statement that the Priority Setting or Resource Allocation Process Review will continue by mutual agreement of the grievant and the Planning Council Co-Chairs; or
  - A Priority Setting or Resource Allocation Process Review Report summarizing the achieved results, the reason(s) for an impasse, a recommendation that further informal efforts will not likely produce a resolution, and a recommendation to discontinue the Priority Setting or Resource Allocation Review process.
- Within ten (10) business days of receipt, the Executive Committee of the Planning Council will review the Priority Setting and Resource Allocation Process Review Report. If approved, the Planning Council Co-Chairs will notify the grievant accordingly and provide two (2) copies of the report. The grievant, upon receipt of the Priority Setting or Resource Allocation Review Report, will have five (5) business days to review it, decide if it satisfactorily addresses the grievance, and select one of the following actions:
  - If the report is satisfactory, the grievant will indicate his/her acceptance by signing one copy of the report and returning it to the Planning Council Co-Chairs.
  - If the report is not satisfactory, the grievant may contact the Planning Council Co-Chairs to express a desire to continue the Priority Setting or Resource Allocation Review process in an effort to resolve the grievance.
  - If the grievant is not satisfied with the report and believes that the grievance cannot be resolved by further discussion with the Planning Council Co-Chairs, the grievant may, within five (5) business days of receipt of the report, submit a Request For Mediation to the BCDRC in accordance with the procedure below.

If the Planning Council Co-Chairs do not receive a written reply from the grievant within the five (5) business days, the grievant will have waived all further rights to grieve the priority or allocation issue and all associated issues.

## **12. Mediation**

If reasonable attempts to resolve a grievance have not resulted in a solution acceptable to both parties, eligible

grievants may request mediation. Mediation is a non-binding process in which an objective, neutral, third party who has been selected by the Bexar County Dispute Resolution Center (BCDRC) assists the grievant and the Planning Council in reaching a grievance resolution that both parties can accept.

A grievant must submit a written Request for Mediation Form, which is attached as Appendix 3 and is fully incorporated herein by reference. This Request must be received by the Planning Council Co-Chairs within five (5) business days of receipt by the grievant of the Priority Setting and Resource Allocation Process Review Report. If a Request is not received within the five (5) business days, the grievant will have waived all further rights to grieve the funding decision and all associated issues related to priority setting and resource allocation process.

The Planning Council designated organization to receive a Request for Mediation is the BCDRC. The request, in writing, must be delivered by U.S. mail, return receipt requested, or by personal delivery or facsimile, during normal business hours. The Planning Council must receive a copy of this request at the same time that it is delivered to BCDRC. Upon receipt of a Request for Mediation, the BCDRC will, within the days shown below, complete the following actions:

- Five (5) business days: acknowledge, in writing, receipt of the Request for Mediation to the grievant at the address shown on the Request.
- Five (5) business days: provide to the grievant the name of an impartial person who is skilled in the process of mediation. This neutral person will not have been involved with the funding decision that is the subject of the grievance nor will they have any direct interest in the outcome of the grievance process.

Upon appointment as the mediator, BCDRC will, within the days shown below, complete the following actions:

- Ten (10) business days contact the grievant and Planning Council Co-Chairs and agree on a day, time, and location of the initial mediation meeting. The mediation meeting will be scheduled within fifteen (15) business days to complete a thorough review of the circumstances and information available regarding the grievance.

During the mediation discussion, the mediator will facilitate communication between the parties to assist with a resolution of the grievance. If the grievance is resolved, both parties will indicate acceptance by signing a statement of resolution.

If the recommendation(s) fail to satisfy the grievant, he/she may contact the BCDRC to express a desire to continue the grievance process in an effort to resolve the grievance.

The grievant may, within the five (5) business days of the mediation, submit a Request for Binding Arbitration (Appendix 4) to the Planning Council Co-Chairs in accordance with the procedure below.

If the Planning Council Co-Chairs do not receive a written reply from the grievant within the five (5) business days, the grievant will have waived all further rights to grieve the priority setting or resource allocation decision and all associated contractor selections and awards.

### **13. Binding Arbitration**

If reasonable attempts to resolve a grievance have not resulted in a solution acceptable to both parties, eligible grievants may request Binding Arbitration. Binding Arbitration is a process in which the grievant and the Planning Council agree to be bound by the decision of an objective, neutral, third party who has been selected by both parties to hear and decide a grievance.

A grievant must submit a written Request for Binding Arbitration Form. The Request for Binding Arbitration Form is attached as Appendix 4 and is fully incorporated herein by reference. This Request must be received by the Planning Council Co-Chairs within five (5) business days of the grievant's mediation. If a Request is not received within the five (5) business days, the grievant will have waived all further rights to grieve the priority setting or resource allocation decision process and all related issues.

The Request for Binding Arbitration must be submitted to BCDRC. The Request must be in writing, delivered by U.S. mail, return receipt requested or by personal delivery or facsimile, during normal business hours.

Upon receipt of a Request for Binding Arbitration, the Planning Council Co-Chairs will, within the days shown below, complete the following actions:

- Five (5) business days: acknowledge, in writing, receipt of the Request for Binding Arbitration to the grievant and Planning Council at the address shown on the Request.
- Five (5) business days after acknowledgement: provide to the grievant the name of the disinterested person who is skilled in the process of arbitration. This neutral person will not have been involved with the priority setting or resource allocation process that is the subject of the grievance nor will they have any direct interest in the outcome of the grievance process.

Upon appointment as the arbitrator, the arbitrator will, within the days shown below, complete the following actions:

Five (5) business days contact the grievant and Planning Council Co-Chairs and agree on a day, time, end, and location of the arbitration meeting. The initial arbitration meeting will be scheduled within fifteen (15) business days to review all correspondence, records, or documentation related to the priority setting or resource allocation process that is the subject of the grievance, any or all person(s) who have, or might have, knowledge of the priority setting or resource allocation process, or were, or could be, affected by the priority or allocations decision or changes thereto.

Ten (10) business days: deliver to the grievant and the Planning Council Co-Chairs an Arbitration Decision summarizing the priority setting or resource allocation decision and an arbitration decision that will resolve the grievance. Within three (3) days of receipt of the Arbitrator's Decision, all parties will sign one copy and return it to the Planning Council Support Staff.

## ADDENDUM C

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### **The People's Caucus Committee Standing Rules**

1. The People's Caucus meeting will be open to the public.
2. Membership is limited to infected and affected consumers of HIV/AIDS services. To be a member, you must attend two consecutive meetings and request to be a member
3. All members are asked to respect the confidentiality of others attending these meetings.
4. The People's Caucus will open the nomination process one month prior to the termination of any officer's Planning Council membership. The Planning Council staff will accept nominations for one month. Only current People's Caucus members can serve as Co-Chairs. If a Co-Chair resigns or is removed, the nomination process will be opened for one month.
  - a. The nominee receiving the majority of the votes will serve as Co-Chair.
  - b. Co-Chairs can be removed by a majority vote of the current members of the People's Caucus.
  - c. Co-Chairs with three absences in a six month period, will be removed.
6. The People's Caucus Co-Chair Term Limits will be as followed:
  - a. Co-Chairs will have a two (2) year term limit.
  - b. Co-Chairs will be eligible to run for office again at the expiration of their respective term.
  - c. Co-Chair will be replaced or elected on alternate years.
  - d. One Co-Chair seat election will be held every other year providing for two-year terms with only one seat being up for election each year. This system will provide for continuity of leadership, development of leadership skills, mentoring and opportunities for the People's Caucus to accurately and effectively represent the HIV community at large.
7. All grievances submitted to the Planning Council must be writing.

# Appendix

## APPENDIX 1

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### DEFINITIONS RELATING TO GRIEVANCE PROCEDURES

**AAA.** American Arbitration Association

**Arbitration.** The submission of a dispute to an impartial or independent individual or panel for a binding determination. Arbitration is usually carried out in conformity with a set of rules. The decision of an arbitrator generally has the force of law, although it generally does not set a precedent.

**Arbitrator.** A certified individual selected to decide a grievance. Arbitrators will be selected by both parties.

**BCDRC.** Bexar County Dispute Resolution Center is a community dispute resolution program to serve the mediation needs of residents of Bexar County.

**Binding.** A process in which parties agree to be bound by the decision of an arbitrator.

**Dispute Prevention.** Techniques or approaches that are used by an organization to resolve disagreements at as early and informal a stage as possible to avoid or minimize the number of disputes that reach the formal grievance process.

**Entity.** HIV Service providers eligible to receive funding from the Ryan White grants; or HIV consumer groups; or Persons Living with HIV/AIDS coalitions or caucuses.

**Grievance.** A complaint or dispute that has reached the stage where the affected party seeks a structured approach to its resolution.

**Grievant.** An entity seeking a structured resolution of a grievance.

**Mediation.** A voluntary process in which a neutral third party assists parties to a grievance in reaching an acceptable resolution to the issue(s) being grieved. Mediation may involve meetings held by the mediator with the parties together and separately.

**Mediator.** A trained neutral third party selected by the BCDRC to help the parties reach an agreement on a determined set of issues.

**Neutral.** A term used to describe an independent third party, including a mediator or arbitrator, selected to resolve a grievance.

**Non-binding.** Techniques in which the parties to a grievance attempt to reach an agreement. The results must be agreed to by both parties; results are not imposed by the third party as they are in binding arbitration.

**Party.** Refers to one of the participants in the grievance process. This includes the grievant who brings the grievance action, and the respondent against which the grievance is brought.

**San Antonio HIV Health Services Planning Council.** San Antonio HIV Health Services Planning Council (Planning Council) is a planning body that conducts health and social service planning for HIV grant funding in the San Antonio Transitional Grant Area.

**Third Party.** A term used to describe an independent or impartial person, including a mediator or arbitrator, selected to resolve a grievance or assist the parties in resolving a grievance.

**APPENDIX 2**

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**REQUEST FOR PRIORITY SETTING OR RESOURCE ALLOCATIONS  
DECISION REVIEW, RELATING TO GRIEVANCE PROCEDURES**

(Provide the following information in letter format)

Date: \_\_\_\_\_

San Antonio HIV Health Services Planning Council  
C/o Planning Council Co-Chairs  
233 N. Pecos, Ste. 590  
San Antonio, Texas 78207

Re: Request for Priority Setting or Resource Allocation Decision Review

The undersigned party(ies) submit(s) the following grievance for resolution under the Priority Setting and Resource Allocation Decision Review phase of the San Antonio HIV Health Services Planning Council Grievance Procedure.

Statement of Grievance: (include date the priority setting or resource allocation decision was made, by what entity, how the Planning Council deviated from its written, established process and the reason(s) for filing the grievance).

Statement of Eligible Grievant: (state how you were directly affected by the priority setting or resource allocation decision)

Statement of Remedy Sought: (indicate what you would want the Planning Council to do in order to correct the grievance)

Statement of Previous Action Taken: (indicate results of previous attempts at resolution, attach written documentation as appropriate)

I affirm that the above statements are true and accurate to the best of my knowledge.

Name of grievant: \_\_\_\_\_

If grievant is an organization, name of authorized individual: \_\_\_\_\_

Address: \_\_\_\_\_

City/state/zip code: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

\_\_\_\_\_  
Signature

**APPENDIX 3**

**REQUEST FOR MEDIATION**

(Provide the following information in letter format)

Date: \_\_\_\_\_

Bexar County Dispute Resolution Center  
Bexar County Courthouse  
300 Dolorosa, Suite 1102  
San Antonio, Texas 78205

Ref: Request for Mediation

The undersigned party(ies) submit(s) the following grievance for resolution under the Mediation phase of the San Antonio HIV Health Services Planning Council Grievance Procedure.

Date of Receipt of the Priority Setting or Resource Allocation Decision Review Report: (identify date)

Results of the Informal Priority Setting or Resource Allocation Review Process: (state why the results of the Priority Setting or Resource Allocation Review process were not sufficient to resolve the grievance, attach written documentation as appropriate)

I affirm that the above statements are true and accurate to the best of my knowledge.

Name of grievant: \_\_\_\_\_

If grievant is an organization, name of authorized individual: \_\_\_\_\_

Address: \_\_\_\_\_

City/state/zip code: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

\_\_\_\_\_  
Signature

In addition, please fax or mail a copy of the above letter to the following address:

San Antonio HIV Health Services Planning Council  
C/o Planning Council Co-Chairs  
233 N. Pecos, Ste. 590  
San Antonio, Texas 78207

**APPENDIX 4**

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**REQUEST FOR ARBITRATION**

(Provide the following information in letter format)

Date: \_\_\_\_\_

San Antonio HIV Health Services Planning Council  
C/o Planning Council Co-Chairs  
233 N. Pecos, Ste. 590  
San Antonio, Texas 78207

Ref: Request for Arbitration

The undersigned party(ies) submit(s) the following grievance for resolution under the arbitration phase of the San Antonio HIV Health Services Planning Council Grievance Procedure.

Date of Receipt of the Mediation Review Process Report: (identify date)

Results of the Mediation Review Process: (state why the results of the Mediation Review Process were not sufficient to resolve the grievance, attach written documentation as appropriate)

I affirm that the above statements are true and accurate to the best of my knowledge.

Name of grievant: \_\_\_\_\_

If grievant is an organization, name of authorized individual: \_\_\_\_\_

Address: \_\_\_\_\_

City/state/zip code: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Fax number: \_\_\_\_\_

\_\_\_\_\_  
Signature

**APPENDIX 5**

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**CODE OF CONDUCT AGREEMENT**

**Purpose:**

The Code of Conduct is established to remind the San Antonio Area HIV Health Services Planning Council Members, Support Staff, Grantee Staff, Guests and all Participants that individually and collectively, they must adhere to high ethical standards.

**Responsibility of Planning Council Members:**

Planning Council members are agents of public purpose and serve on the Planning Council or a Standing Committee for the benefit of the public. They are bound to discharge faithfully the duties of their appointment, regardless of personal consideration. They should take actions and make decisions based on their merits, objectively, without partisanship and in accordance with the Conflict of Interest policy. Planning Council members will not discriminate on the basis of race, color, creed, national origin, sex or gender, gender identity or expression, sexual orientation, religion or disability status.

**Conduct:**

Planning Council members and all aforementioned individuals will follow these ground rules in all meetings:

1. Conduct themselves in a professional, respectful and courteous manner at all times.
2. Disclose all conflicts of interest.
3. Disagreements will focus on issues, not personal attacks on participating individuals.
4. No member may represent or imply official representation of the Planning Council without permission.

I will take personal responsibility to abide by this Code of Conduct Agreement, and to speak out to assure that all participants abide by it. I understand that disregard of this Code may lead to disciplinary action. I have read and understand the information contained within the Code of Conduct and agree to adhere accordingly as a member of the San Antonio Area HIV Services Planning Council.

Printed Name \_\_\_\_\_ Date: \_\_\_\_\_

Signature \_\_\_\_\_

## APPENDIX 6

### CONFLICT OF INTEREST FORM

#### SAN ANTONIO AREA HIV HEALTH SERVICES PLANNING COUNCIL Conflict of Interest Disclosure Form

Any individual serving on the San Antonio Area HIV Health Services Planning Council or its committees that fall within the purview of Article VIII of the Bylaws must disclose any and all potential conflicts of interests. In an effort to facilitate the process, all voting members must complete this form.

By my signature, I certify that:

1. I have read, understand and support the attached "Conflict of Interest" statement; and
2. I will disclose any potential conflicts of interest and will abstain from voting on issues regarding the following service categories:

- Ambulatory/Outpatient Medical
- Case Management
- Client Advocacy
- Drug Reimbursement
- Emergency Financial Assistance
- Family Support Services
- Food Bank, On-Site, Home-Delivered Meals
- Health Insurance
- HIV Health Education/Risk Reduction
- Home Health Care
- Hospice
- Mental Health Services (Mental Health/Psychiatric/Substance Abuse)
- Nutritional Counseling
- Oral Health Care
- Psychosocial Support Services
- Skilled Nursing/Housing
- Targeted Outreach
- Transportation

3.  I have no conflict of interest
4.  As a PLWH/A, I am not an employee, board member or consultant to organizations receiving Ryan White funding.

Planning Council or committee member: \_\_\_\_\_

Please print name

Date

Planning Council Member's Signature: \_\_\_\_\_