

# **San Antonio Area HIV Health Services Planning Council**



## **Bylaws, Roles and Responsibilities 2017**

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## **Article I - General**

### **Section 1.1 Name**

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

### **Section 1.2 Service Area**

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 Establishment**

The Ryan White Comprehensive AIDS Resources Emergency (CARE) Act of 1990 (Public Law No.101-381), later revised as the Ryan White HIV/AIDS Treatment Extension Act of 2009 (Pub. L. No.109-415), hereinafter referred to as "**RWHATEA**". requires the establishment of an HIV Health Services Planning Council by the Chief Elected Official (hereinafter referred to as the Bexar County Judge) of the eligible service area.

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

### **Section 3.1 Mission**

The Planning Council is organized to provide effective planning and to promote the development of HIV 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, ensuring the availability and coordination of the highest quality, comprehensive health and supportive services to individuals infected with or affected by HIV, and identifying individuals unaware of their status and linking the newly diagnosed positive individuals to care.*

### **Section 3.2 Duties**

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

- A. Establish methods for obtaining input on community needs and priorities that include public meetings, conducting focus groups, convening ad hoc panels or other community forums;
- B. Develop an Integrated HIV Prevention and Care Plan for the organization and provision of core medical and/or support services to individuals living with HIV. The plan must include the following:
  1. include a strategy to identify Persons Living with HIV (PLWH) out of care and to inform and enable them to utilize the services available; eliminate disparities in access and services among affected sub-populations and historically underserved communities; include discrete goals, a timetable and an appropriate allocation of funds;
  2. include a strategy to coordinate the provision of such services with programs for HIV prevention and for substance abuse prevention and treatment; and;
  3. be compatible with any State or local plan for the provision of services to individuals with HIV disease.;
- C. Establish priorities for the allocation of funds within the TGA and Health Service Delivery Areas (HSDAs) and determine how to meet such priorities based on the following

1. size and demographics of the affected population;
  2. needs of the affected population, with particular attention to:
    - i. PLWH who know their HIV status and are not receiving HIV-related services; and
    - ii. disparities in access and services among affected subpopulations and historically underserved communities.;
  3. cost and utilization data;
  4. Needs Assessment Data;
  5. coordination of the provision of services with HIV prevention programs;
  6. availability of other governmental and non-governmental resources for funding; and
  7. capacity development needs resulting from disparities in the availability of HIV-related services in historically underserved communities.;
- D. Assess the efficiency of the Administrative Mechanism in rapidly allocating funds to areas of greatest need within the TGA ,to establish a mechanism to evaluate how well services are meeting community needs, and ensures that the service prioritization and allocation, contracting and reimbursement processes facilitate access to primary medical care and other ancillary services by PLWH.;
- E. 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;
- F. Participate in the local HIV/Syphilis Testing Task Force to assist in efforts to identify individuals unaware of their status and linking HIV positive individuals to care;
- G. Participate in the local Quality Management Committee to assist in efforts to maintain and/or improve services; and
- H. Ensure broad community involvement in all Planning Council operations, events, trainings, and reports.

### 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 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;
- C. Ensure a fair and equitable funding of all appropriate entities as defined in RWHATEA 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 through public meetings, focus groups, ad hoc panels or other forums;
- E. Develop an Integrated HIV Prevention and Care Plan which establishes goals, strategies, and activities to increase participation along the HIV Care Continuum.;
- F. Develop a strategy to identify individuals who know their HIV status but are not in care, i.e. not having a current viral load count, CD4 Count or on Anti-Retroviral Therapy for the past twelve months as per **Health Resources Services Administration [“HRSA”]** guidelines, and to inform such individuals of and enabling them to utilize the available services, giving particular attention to eliminating disparities in access and services among affected subpopulations and historically underserved communities;
- G. Develop a strategy to coordinate the provision of such services with programs for HIV prevention, including outreach, early intervention, harm reduction, etc.

## **Article IV - Membership**

A “Member” as used in these Bylaws refers to a person duly and lawfully appointed to the Planning Council by the Bexar County Judge.

### **Section 4.1 Qualifications**

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.

### **Section 4.2 Composition**

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.

At least one-third (1/3) of the total Planning Council Membership shall be non-aligned PLWH and who are eligible to receive Ryan White services. To ensure parity, inclusion and representation of all HIV service issues, PLWH, should include members of racial/ethnic groups in proportion to the racial/ethnic distribution of HIV 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 Article IX below. If a PLWH develops a conflict of interest after being appointed a Member of the Planning Council under Article IV, that Member shall immediately disclose such conflict of interest or be subject to removal under Section 4.8 below. Such PLWH 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 4.4 below.

The Planning Council shall consist of up to a maximum of Twenty-five (25) Members and shall 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 above;
9. Non-Elected Community Leaders;
10. State Medicaid Agency;
11. State Agency administering the program under the Ryan White Part B Program;
12. Grantees under subpart II of the 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 rural areas of the San Antonio HSDA.

All committees shall consist of a maximum of fifteen (15) members.

### **Section 4.3 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 Membership, Nominations and Elections Committee can recommend a person for membership to the Planning Council or to a waiting pool. A category position must be open before a person can be recommended to the Planning Council for membership. The Membership, Nominations and Elections Committee will review the category list before recommending an interviewee to the Bexar County Judge.
- C. The Planning Council shall forward each nomination to the Bexar County Judge for approval of the appointment. All appointees serve at the discretion of the Bexar County Judge.
- D. The Planning Council as a whole must be reflective of the affected population in the TGA. The PLWH Membership shall also reflect the racial/ethnic, age and gender demographics of the HIV population in the TGA.
- E. All new members of the Planning Council must complete the New Member Orientation on the Planning Council's website, [www.hiv210.org](http://www.hiv210.org), within three (3) months of appointment.

### **Section 4.4 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 Bexar County Judge. 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 Bexar County Judge. The Bexar County Judge shall appoint half of the Members in odd-numbered years and half in even-numbered years.
- 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.
- 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 4.5 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 no more than two (2) absences in any six (6) month period as determined by the Membership Committee. Any member unable to attend a Planning Council or Committee meeting is responsible for submitting an explanation to the Planning Council Liaison. The Membership, Nominations and Elections Committee will be responsible for recommendations to the Planning Council to excuse the absence(s) or to recommend the removal of the member.

Teleconferencing will be made available when possible for members unable to attend in person. This participation will count towards quorum and attendance requirements if member is in attendance for the

duration of the meeting.

#### **Section 4.6 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 Bexar County Judge 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.

#### **Section 4.7 Process for Recommending 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 will review and investigate any charge, and if warranted, recommend removal of a member for cause. Such recommendation must be presented to the full Planning Council and will require a two-thirds majority vote of the Members who are present at a Planning Council meeting provided that a quorum is present. Upon the vote of the Planning Council, the recommendation for removal must be sent to the Bexar County Judge for action. The decision of the Bexar County Judge is final.

#### **Section 4.8 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 4.4 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. Served at least two (2) years on a Planning Council
2. Preside at all Planning Council meetings. While presiding, the Chair will vote only to break a tie;
3. Appoint Chairs of Standing Committees and all Members to serve on any of the Standing and Ad Hoc Committees with exceptions for the People's Caucus as noted in Section 6.6 below;
4. Responsible for 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;
6. Appoint two members of the Planning Council to serve on the HIV Syphilis Testing Task Force;
7. Be a person with HIV;
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;
10. Not serve as Chair of any standing committee;



11. Serve as Parliamentarian, when she/he is not chairing the Planning Council meeting; and
12. One Co-Chair presides over the Executive Committee and establish the Planning Council agenda and the other Co-Chair presides the Planning Council meeting, alternating every month.

C. 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.

**D. Standing Committee Chairs:** The Committee Chairs shall:

The Co-Chairs shall select interested members of Standing Committee to interview and appoint as the Standing Committee Chair. The Standing Committee 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 4.4 above. In the event that no officers are serving, the Member with seniority shall serve as Acting Standing Committee Chair to call Standing Committee meetings to order.

1. Served at least one (1) year on a Planning Council
2. Preside at Standing Committee Meetings of the Planning Council, and while presiding, will vote only to break a tie;
3. Collaborate with and assist the Co-Chairs in performing their duties as needed;
4. Serve as Chair of their assigned Standing Committee; and
5. Perform all other duties necessary or incidental to the position.

## **Article V – Meetings**

### **Section 5.1 Regular Meetings**

A regular meeting schedule for the Planning Council shall be established and distributed to Planning Council Members.

The Planning Council shall meet at least six (6) times in a grant year.

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 during the Public Comment period of the agenda. 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 Priority Setting and Resource Allocation Workshop**

The Planning Council will meet once annually to conduct priority setting among service categories in accordance with RWHATEA procedures. To vote in prioritization of service categories, Members must be present at data presentation which will be conducted prior to priority setting meeting.

Once priorities have been set, Members eligible to vote shall determine allocation percentages for the ranked service categories.

### **Section 5.3 Notice of Meeting**

All members shall be notified of the time, place and agenda of all meetings of the Planning Council and its Standing Committees electronically or by mail 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 on the Planning Council's

website, [www.HIV210.org](http://www.HIV210.org).

### **Section 5.3 Special Meetings**

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.

### **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. When one is not appointed, the Planning Council Co-Chair who is not chairing the Planning Council meeting shall serve as Parliamentarian, if necessary.

### **Section 5.6 Rules of Debate**

Each Member will be required to sign a Code of Conduct Agreement annually with the Planning Council to fulfill its mandates. The Code of Conduct Agreement is attached to the Bylaws as Appendix 5.

During Planning Council or committee meetings, Members of the Planning Council shall adhere to rules specified in the Planning Council Code of Conduct Agreement. Additionally, to ensure that meetings are conducted in an efficient manner, Members of the Planning Council shall adhere to the following rules of debate:

- A.** Before a member in a meeting can make a motion or speak in debate, she/he must address the chair and be recognized by the chair.
- B.** The maker of the motion, while she/he can vote against the motion, is not allowed to speak against his own motion.
- C.** A member can speak no longer than two (2) minutes or more than twice to the same motion on the same day unless he obtains consent of the membership.
- D.** No member who has already debated on the immediately pending motion is entitled to debate again on the same day on the same question so long as any member who has not spoken on that motion wants to debate.
- E.** Debate must be directly related to the immediately pending motion.
- F.** A member can speak against the pending motion, but must avoid personalities, and under no circumstances can she/he question the motive of another member.
- G.** Members in a meeting cannot address one another directly, but must address all remarks through the chair.
- H.** The use of name of members should be avoided in debate.
- I.** Whenever possible, the chair should recognize members to speak in debate who alternate between "for" and "against."
- J.** A member cannot yield any unexpired portion of his/her time to another member, or reserve any portion of his/her time for a later time.

### **Section 5.7 Quorum**

- A.** A quorum must be present throughout the entire Planning Council meeting to engage in formal decision-making. A quorum is defined as more than one-half of the Planning Council Members

appointed. When computing a quorum, vacant seats shall not be counted. If a quorum is not established at the Planning Council meeting, the Planning Council may proceed with the Planning Council meeting agenda, i.e., reports, presentations, etc., but no formal decision-making may take place.

- 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 PLWH 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 5.8 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.

### **Section 5.9 Voting**

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, electronic voting 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. Record of individual votes via electronic voting shall be made available upon request.

Members on teleconference are entitled to one vote. If ballot vote is necessary for member on teleconference, voice vote will be required.

Each Standing Committee Member who has been appointed by the Planning Council Co-Chairs shall be entitled to one vote on any question before the Standing Committee to which she/he has been assigned provided that a quorum of the Committee is present.

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 5.10 Teleconference**

The Planning Council Liaison will provide teleconference information for all Planning Council and Committee Meetings. Planning Council Members may participate via teleconference a maximum of once per quarter; exceptions must be approved a week prior to the meeting by one of the Planning Council Co-Chairs. All members are still required to follow the attendance requirements. For all decisions, a quorum must be present. Votes for action items may be conducted via teleconference; the Chair conducting the meeting will poll the members individually that are attending by teleconference for discussion and voting purposes. It is the responsibility of each member to ensure they are able to fully participate for the duration of the meeting.

## **Article VI – Committees**

### **Section 6.1 Standing Committees**

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; however, any recommendations from any Standing Committee may be approved as recommended, as revised by the Planning Council, or must be sent back to the Committee for modifications.

Standing Committees and Caucuses are not authorized to expend funds allocated for Planning Council activities except as specifically authorized by the Planning Council. Please note that the People's Caucus is authorized to expend up to \$500 per meeting to cover the cost of meals at a People's Caucus meeting should a sponsor not be available.

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.

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 his/her Committee. Any Standing Committee that adopts Standing Rules must provide a written record of such rules to the Planning Council Liaison 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.

The Standing Committees of the Planning Council include the following:

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

The Executive Committee 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:

- a. Ensuring that the work of committees progresses in an orderly and integrated fashion;
- b. Setting the date and agenda for each Planning Council meeting;
- c. Receiving reports from Committee Chairs;
- d. Coordinating the efforts of all standing committees involved in the development of the Ryan White Program grant applications;
- e. Coordinating the work of the Planning Council with the Administrative Agency;
- f. Reviewing the performance of the Administrative Mechanism;
- g. Establishing a Grievance Committee, when needed, as set forth in Addendum B attached to these Bylaws;
- h. Reviewing and investigating any violations of the Code of Conduct, and if warranted, recommending the removal of a Member for cause; and
- i. 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:

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

## **3. Fiscal Monitoring and Reallocation (FMRA)**

The following are the FMRA Committee core responsibilities:

- a. Monitoring priorities and expenditures and recommending to the Planning Council any reallocation of funds;
- b. Requesting pertinent data and information from the Grantee/Administrative Agency to assist the Planning Council in making decisions for the priority setting among service categories and the distribution of funds to these service categories in accordance with RWHATEA procedures;
- c. Providing guidance regarding the purchase of services that will be used in developing Requests for Proposals; and
- d. 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:

- a. Developing the TGA's Continuum of Care, service category Standards of Care, service category Definitions, and defining service category Units of Service;
- b. Reviewing and developing a Integrated HIV Prevention and Care Plan every three years in accordance with the RWHATEA, in collaboration with the Grantee/Administrative Agency;
- c. Reviewing quarterly the progress of Integrated HIV Prevention and Care Plan goals and objectives, in collaboration with the Grantee/Administrative Agency;
- d. Reviewing and approving the San Antonio TGA Ryan White Part A Local Pharmacy Assistance Program Drug Formulary as presented by the Drug Formulary Subcommittee of the Quality Management Committee;
- e. Designating a member of the CPCC Committee to serve on the Quality Management Committee and report progress reports to both the CPCC Committee and the Planning Council; and
- f. 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:

- a. Recruiting, screening and recommending potential candidates for Membership to the Planning Council;
- b. Tracking Planning Council Membership classifications and demographics as well as changes in population affected by HIV;
- c. Recommending appropriate Membership classification and representation modifications;

- d. Tracking members' attendance records at Planning Council and Committee meetings, and reporting attendance concerns to the Executive Committee.
- e. Notifying the Planning Council of vacancies;
- f. Reviewing the nomination process;
- g. Creating a public relations process;
- h. Establishing a mentoring program;
- i. Recommending to the Executive Committee that a person be removed from the Planning Council for failing to fulfill his/her responsibilities in accordance with these bylaws or Planning Council Code of Conduct;
- j. Ensuring all Planning Council Members, including new Members, successfully complete the New Member Orientation training on the Planning Council's website, HIV210.org within three (3) months; and
- k. 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 RWHATEA, 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 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 services. The PC will have one Co-Chair elected by PC members who may or may 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:

- a. 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;
- b. Conducting ongoing education for consumers;
- c. Creating liaisons and/or relationships within the traditionally underserved and hard to reach populations; and
- d. Performing other duties as may be required or as assigned by the Planning Council.

## **Section 6.2 Ad Hoc Committees**

When necessary, the Co-Chairs 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 that may be 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**

The Officers and 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.

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 – Confidentiality**

All members are asked to respect the confidentiality of others. No person's personal information shall be discussed or disseminated without them present and without their consent. Breach of confidentiality by any member of the Planning Council may be grounds for removal.

### **Article IX - Conflict of Interest**

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.

- 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 that receives Part A funding from the Ryan White Program. 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, which is located in Appendix 6.
- C. On issues for which a Planning Council Member has a conflict of interest as described above, the Member may not engage in discussion or vote on the matter. Planning Council and Co-Chairs, Members and staff will be responsible for monitoring the disclosure of Members' conflicts of interest.

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.

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 or engage in discussion in connection with the matter in accordance with Section 5.9 above. Failure to adhere to conflict of interest standards is cause for removal from membership.

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. 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 X - Grievances**

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

**Article XI - Amendments**

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 seventy-two (72) hours prior to the vote.



## **Addendum A - 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 Bexar County Judge. 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 Bexar County Judge.

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 on an as-needed basis when vacancies occur, and shall take no longer than 60 days, except when a prospective member is placed on the Planning Council's waiting list. 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 RWHATEA mandated representation.

New Members of the Planning Council are required to successfully complete the New Member Orientation training on the Planning Council's website within three (3) months 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 - 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 mediation by the Bexar County Dispute Resolution Center. If resolution cannot be achieved through dispute resolution, the final decision will be made by the Bexar County Judge. 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 HIV/AIDS Treatment Extension Act of 2009 for Part A funding.

### **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**

Persons directly affected by the outcome of Planning Council decisions related to priority setting or the resource allocation process for Ryan White grant funds are eligible to initiate a grievance.

### **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 applicable Planning Council approved priority setting or resource allocation process.

### **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 eligible grievant 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 eligible grievants having 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 written information or statements to the grievant that explains the action of the Planning Council. Eligible grievants are expected to cooperate in good faith with the Planning Council in efforts to resolve the disagreement before formal grievance procedures are pursued.

When attempts at informal resolution have failed, a formal grievance can be initiated by following the established policy.

### **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 written report to include recommended actions that are expected to resolve the grievance will be provided to the Executive Committee. 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) and provide a copy to the Planning Council Co-Chairs on the same day that the request is filed with the Bexar County Dispute Resolution Center. 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.

**Final Resolution** - Failing resolution through the mediation process, the grievant may submit a Request for Final Resolution to the Chief Elected Official – the Bexar County Judge. The decision of the Bexar County Judge will be final.

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 she/he 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, she/he 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 Final Resolution (Appendix 4) to the Chief Elected Official – the Bexar County Judge in accordance with the procedure below.

If the Bexar County Judge does 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. Final Resolution**

If reasonable attempts to resolve a grievance have not resulted in a solution acceptable to both parties, eligible grievants may submit a Request for Final Resolution to the Chief Elected Official – the Bexar County Judge. A Request for Final Resolution is a process in which the grievant and the Planning Council agree to be bound by the decision of the Bexar County Judge.

A grievant must submit a written Request for Final Resolution. The Request for Final Resolution is attached as Appendix 4 and is fully incorporated herein by reference. This Request must be received by the Bexar County Judge 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 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 Final Resolution, the Office of the Bexar County Judge, within the days shown below, will complete the following actions:

- Five (5) business days: acknowledge, in writing, receipt of the Request for Final Resolution 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 - 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 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 1 - 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 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 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 - 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 - Request for Final Resolution

(Provide the following information in letter format)

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

The Honorable Nelson Wolff  
Bexar County Judge  
101 W. Nueva  
San Antonio, Texas 78205

Ref: Request for Final Resolution

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 - 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 IX 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, 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: \_\_\_\_\_

## Appendix 7 – People’s Caucus Code of Conduct Form

### People’s Caucus (PC) \*

These bylaws establish a San Antonio Area People’s Caucus, in accordance with RWHATEA, to be formally recognized as affiliated with the Planning Council. The purpose of the People’s Caucus is to strengthen full and effective participation of people with HIV and to provide feedback on Planning Council activities and regular input into Planning Council processes. Membership of the People’s Caucus shall be limited to infected and affected consumers of HIV services. The People’s Caucus will have one Co-Chair elected by Planning Council 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. 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;
2. Conducting ongoing education for consumers;
3. Creating liaisons and/or relationships within the traditionally underserved and hard to reach populations; and
4. Performing other duties as may be required or as assigned by the Planning Council.

## 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 \_\_\_\_\_