

# **METROPOLITAN WASHINGTON REGIONAL RYAN WHITE PLANNING COUNCIL**

## **BYLAWS**

**Including Appendices with Policies & Procedures**

**Adopted by the Planning Council November 17, 2011**

### **Replaces Previous Bylaws**

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Approved by Office of Boards & Commissions,  
Executive Office of the Mayor of the District of Columbia  
October 2008

**METROPOLITAN WASHINGTON REGIONAL  
RYAN WHITE PLANNING COUNCIL**

**BYLAWS**

**TABLE OF CONTENTS**

I. NAME AND SERVICE AREA .....2

II. LEGAL AUTHORITY.....2

III. DEFINITION OF TERMS.....2

IV. DUTIES .....4

V. MEMBERSHIP .....5

VI. OFFICERS.....11

VII. MEETINGS.....12

VIII. MAINTENANCE OF RECORDS AND PUBLIC ACCESS.....15

IX. COMMITTEES.....16

X. CONFLICT OF INTEREST..... 21

XI. OFFICIAL COMMUNICATIONS AND REPRESENTATION..... 22

XII. FUNDING AND EXPENSE REIMBURSEMENT.....23

XIII. AMENDMENTS..... 24

XIV. GRIEVANCE PROCEDURES..... 25

**APPENDICES**

**APPENDIX A:** Code of Conduct ..... 26

**APPENDIX B:** Confidentiality Policy & Pledge..... 34

**APPENDIX C:** Standing Committee Protocols..... 37

**APPENDIX D:** Conflict of Interest Policy..... 48

**APPENDIX E:** Expense Reimbursement Policy..... 51

**APPENDIX F:** Grievance Policy & Procedure..... 58

# METROPOLITAN WASHINGTON REGIONAL RYAN WHITE PLANNING COUNCIL

## BYLAWS

### I. NAME AND SERVICE AREA

This organization shall be known as the Metropolitan Washington Regional Ryan White Planning Council (hereinafter "Planning Council"). The Planning Council shall be responsible for community planning related to HIV/AIDS care funded by Ryan White Part A for a federally defined Eligible Metropolitan Area (EMA) that encompasses the following legal jurisdictions: the District of Columbia, five counties located in Suburban Maryland (Charles, Calvert, Frederick, Montgomery, and Prince George's), 11 counties (Arlington, Clarke, Culpeper, Fairfax, Fauquier, King George, Loudon, Prince William, Spotsylvania, Stafford, and Warren), and six cities (Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park) in Northern Virginia, and two counties in West Virginia (Berkeley and Jefferson).

### II. LEGAL AUTHORITY

The Planning Council was created by District of Columbia Mayor's Order 90-220, dated December 26, 1990, pursuant to the authority vested in the Mayor of the District of Columbia by sections 422 and 448 of the District of Columbia Self-Government and Governmental Reorganization Act, as amended, D.C. Code sections 1-242 and 47-310 (1981), and in accordance with section 2602(b)(1) of the Public Health Services Act, as amended by the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, Public Law 101-381, 104 Stat. 576 (Aug. 18, 1990) as amended ("Ryan White legislation").

### III. DEFINITION OF TERMS

As used in these Bylaws, the following terms have the definitions provided below:

Eligible Metropolitan Area ("EMA"): A legal jurisdiction designated by the Health Resources and Services Administration (HRSA) as grantees for Ryan White Part A funds.

Planning Council Staff: The Planning Council Coordinator and other staff hired to provide program, operational, and technical support to the Planning Council in carrying out its legislative duties; to ensure that Planning Council members receive needed orientation and training; to support Council and committee meetings; to provide technical/content assistance; to ensure that the Council meets legislative requirements and HRSA guidelines in its operations; and to retain copies of official Planning Council documents and records.

Planning Council Support Contractor: The organization contracted to provide the administrative services and technical support requested by the Planning Council.

Legal Jurisdictions: The designated cities and counties of the jurisdictions that together make up the EMA.

Administrative Agent: The governmental entity in a major legal jurisdiction within the EMA responsible for programmatic and financial oversight of Ryan White Part A.

PLWH/A: For purposes of these Bylaws, the term “PLWH/A” means a person living with HIV disease (HIV non-AIDS or AIDS). Persons “affected” by HIV in ways such as but not limited to being a parent, child or caregiver of a person living with HIV/AIDS shall be entitled to the Planning Council participation rights given to a person actually infected.

HIV Disease: The term “HIV disease” means infection with etiologic agent for acquired immune deficiency syndrome, and includes any condition arising from such syndrome.

#### **IV. DUTIES**

The duties of the Planning Council, pursuant to section 2602 (b) (4) of the Ryan White legislation, are as follows:

- A. Determine the size and demographics of the population of individuals with HIV/AIDS, and determine the needs of this population, with special attention to individuals with HIV/AIDS who know their HIV status and are not receiving HIV-related services, individuals with HIV/AIDS who do not know their status, and disparities in access and services among affected subpopulations and historically underserved communities. This includes establishing methods for obtaining input on community needs and priorities.
- B. Establish priorities for the allocation of Ryan White Part A funds in each of the Legal Jurisdictions within the EMA, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds. This includes approving reallocation of funds by the grantee or administrative agent as required during the year, based on policies established by the Planning Council.
- C. Develop a comprehensive plan for the organization and delivery of eligible health services as described in section 2604 of the Ryan White legislation that is compatible with any existing state or local plan.
- D. Assess the efficiency of the administrative mechanism in rapidly allocating Ryan White Part A funds to the areas of greatest need within the EMA, including, but not limited to, the assessment and evaluation of the quality and appropriateness and documentation of services being provided, length of time between receipt of funds by the administrative agent for the District of Columbia and disbursement to the administrative agents for each legal jurisdiction, length of time between receipt of funds by the administrative agent for each legal jurisdiction and disbursement to providers, and the efficiency and effectiveness of the procurement process.
- F. Participate in the development of the statewide coordinated statement of need initiated by the State public health agencies responsible for administering grants under part B in each EMA jurisdiction.
- G. Coordinate with Federal grantees that provide HIV-related services within the eligible area.

## V. MEMBERSHIP

### A. Definition

"Member" or "Members", as used in these Bylaws, refers to those people who have been reviewed through the open nominations process (which may also be referred to as the membership application process), recommended to the Mayor by the Planning Council, and duly and lawfully appointed to and sworn in as members of the Planning Council by the Mayor of the District of Columbia. The Planning Council shall have at least 30 and not more than 39 members, including the Chair and any *ex officio* government voting member appointed by the Mayor for a maximum of 39 voting members.

### B. Open Nominations Process

1. All potential members of the Planning Council must go through the Planning Council's open nominations process, which is managed by the Membership Committee through a Membership Interview and Recommendation Panel. The process will comply with HRSA guidance, Federal rules and regulations, and jurisdictional interagency agreements. This process shall include broad recruitment for potential members, use of an approved application form, interviews and assessment using clearly established criteria, and Membership Committee recommendation of a slate of nominees for membership (one per available slot) to the Office of Boards and Commissions in the Executive Office of the mayor of the District of Columbia. The Mayor as CEO for the EMA shall make the final decisions and appointments while complying with applicable federal law. .
2. No individual may vote at full Planning Council meetings until he or she has been sworn in by the Mayor.

### C. Representation and Reflectiveness

1. A minimum of 33% of the Planning Council shall be individuals who are receiving HIV-related services funded under Part A of the Ryan White legislation and who are not affiliated with a Part A-funded provider.
  - a. **"Affiliated"** is defined as being or having a family member who is an employee, paid consultant, contractor, officer or board member, or a volunteer (20 or more hours per week) for an agency receiving or competing for Part A funds in a specific service category .
  - b. **"Family member"** is defined as spouse, partner, mother, father, child, or sibling.
  - c. A person who is a client of a funded provider is not considered affiliated.
  - d. A person who is the parent of a minor child or the caregiver for a person receiving shall be considered to fulfill this requirement.
  - e. This limitation does not apply to individuals affiliated with entities that receive funds from grants under other sections of the Ryan White legislation but do not receive funds through Part A.

2. At a minimum, Planning Council membership shall include representation of the following groups, as specified in the Ryan White legislation:
  - a. Health care providers (including federally qualified health centers);
  - b. Community-Based Organizations serving affected populations and AIDS service organizations;
  - c. Social service providers, including providers of housing and homeless services;
  - d. Mental health and substance abuse providers;
  - e. Local public health agencies;
  - f. Hospital planning agencies or health care planning agencies;
  - g. Affected communities, including people with HIV/AIDS, members of a Federally recognized Indian tribe as represented in the population, individuals co-infected with hepatitis B or C, and historically underserved groups and subpopulations;
  - h. Non-elected community leaders (especially representatives from communities or populations most impacted by HIV/AIDS, based on social and geographic distribution);
  - i. Representatives of State government, including at least one representative of a State Medicaid agency and one representative of an agency administering the program under Part B in the District of Columbia or a state within the EMA;
  - j. Part C grantees;
  - k. Part D grantees or organizations with a history of serving children, youth, women, and families living with HIV and operating in the area;
  - l. Grantees under other Federal HIV programs, including but not limited to providers of HIV prevention services. Planning Council membership by a representative from each of the following, if present in the EMA, is expected:
    - 1) A representative of each of the following types of grantees funded under Part F: Special Projects of National Significance (SPNS), AIDS Education and Training Centers (AETCs), and HIV/AIDS Dental Reimbursement Program,
    - 2) The Housing Opportunities for Persons With AIDS (HOPWA) program of the U.S. Department of Housing and Urban Development (HUD), and
    - 3) Other Federal programs if they provide treatment for HIV disease, such as the Veterans Health Administration.
  - m. Individuals or representatives of individuals who formerly were Federal, State, or local prisoners, were released from the custody of the penal system during the preceding 3 years, and had HIV/AIDS as of the date on which the individuals were so released.
3. As specified in the Ryan White legislation, Section 2602(b)(1) and Section 2602(b)(5)(C), both the Planning Council as a whole and the 33% or more of members who are unaffiliated consumers of Part A services as described in subsection 1 above shall reflect in their composition the demographics of the population of individuals with HIV and AIDS in the EMA, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.
4. To be eligible to serve on the Planning Council as an individual, not an agency representative (such as a non-elected community leader, member of the affected community, or a recently incarcerated person), a person must live within the EMA. An individual who serves as the representative of a nonprofit organization or a local public agency must work for an agency that has offices within the EMA and must

spend the majority of his/her time working in the EMA. A representative of a State agency (such as Medicaid or the Part B program) serves based on his/her position with the State agency, and need not live or work in the EMA.

5. The Planning Council membership will have equitable representation from each of the four major jurisdictions in the EMA – the District of Columbia, Maryland, Virginia, and West Virginia. The Planning Council will attempt to obtain representation from each of the jurisdictions within the EMA proportionate to the number of living HIV and AIDS cases, as included in the annual Part A program application. The Council will also work to ensure that, to the extent possible, unaffiliated consumer membership will be reflective of the gender, age, sexual orientation, racial and ethnic demographics of the infected populations within each Jurisdiction.

#### D. Terms of Service

1. Each member of the Planning Council shall be appointed in accordance with the Mayor's Orders, issued pursuant to section 422(2) of the District of Columbia Home Rule Act, as amended, 87 Stat. 790, Pub. L. No. 93-198, D.C. Code, Official Code § 1-204.22(2) (2001) (hereinafter "Mayor's Orders").
2. The term of office for Planning Council members shall be as specified by the Mayor. Use of staggered terms that ensure only 33%-50% of member terms expire in any given year will ensure optimal Council performance of its duties
3. Terms of current members continue until their replacements are appointed and sworn in by the Mayor. . .
4. Employees of federal, state, or local government agencies who are chosen to fill specific legislatively mandated membership categories based on their office must go through the same open nominations process as all other members.

#### E. Duties and Responsibilities

Planning Council members are expected to carry out the following duties and responsibilities:

1. Attend and actively participate in Planning Council monthly, special, and emergency meetings, and community events
2. Actively participate in at least one standing committee
3. For all new members, participate in new member orientation and training and review orientation materials provided by the support staff within thirty days after appointment
4. For all members, participate in Council-sponsored training or retreats at least once a year
5. Participate in all aspects of the annual priority setting and resource allocations process at both the jurisdiction and EMA levels including separate meetings for (1) training; (2) data presentation; (3) priority setting; and (4) resource allocation as well as any directive formulation that may be undertaken.

6. Review materials of Council and/or committee discussion/action before scheduled meetings
7. Follow the Bylaws as well as all policies and procedures adopted by the Planning Council. To ensure understanding and commitment to doing so, each member will be required annually to sign certain forms including in but not limited to those related to (1) Conflict of Interest; (2) Code of Conduct; (3) Confidentiality; and (4) Attendance. Existing documents shall remain in effect and be binding upon the behavior of members until such time as new ones are executed.

F. Compensation

Planning Council Members shall receive no salary or other compensation for their services as members of the Council. However, the Planning Council may reimburse members for allowable expenses as specified in Section XII, based on the Planning Council's approved policies and budgeted funds provided reimbursement is not available from another source.

G. Attendance

The aim of the Planning Council is for each Planning Council member to attend in person every regular meeting of the Planning Council and to participate actively in at least one standing committee. Attendance at a meeting means the Planning Council member arrives within thirty (30) minutes of the meeting start time and remains for the duration of the meeting.

1. Each member of the Planning Council must attend a minimum of two-thirds of the regularly scheduled meetings of the Planning Council held during each program year (at least 8 of the 11 or 12 meetings), and ensure that not more than two absences are unexcused. The following constitute excused absences:
  - a. Personal sickness, personal or family emergency of member, or a death in the family.
  - b. Vacation of a member, advance notice is mandatory..
2. Conflicting work commitments, including out of town business due to work, advance notice is mandatory. More than two unexcused absences from regular meetings of the Planning Council within a 12-month program year will be grounds for termination for poor attendance.
3. To obtain excused absences, members must contact the Planning Council Coordinator, and if the contact is by e-mail, cc the Planning Council Support Contractor. Such notice is to be given a minimum of two days prior to the meeting whenever possible. Under extenuating circumstances, notice after the fact may be given. However, notice must be given no later than two weeks after the meeting date in order for the absence to be "excused".
4. Attendance will be recorded by program year beginning with the first full month after new members are sworn in.

5. Each member must also participate actively in at least one standing committee and meet the same attendance standards as specified above for Planning Council meetings

#### H. Participation in Meetings by Conference Telephone

1. **Planning Council meetings:** Members are expected to attend Planning Council meetings in person, except in unusual circumstances (such as illness of a PLWH member or very bad weather), or if the member lives in a distant part of the EMA. The Chair or Community Co-Chair may approve participation by telephone (provided capability for such participation is available at the meeting site) for good reason, at their discretion. Unless a special exemption is granted by the Chair, a member may attend no more than two (2) Planning Council meetings per year by conference telephone.
2. **“Committee of record” meetings:** Members are expected to attend meetings for their “committee of record” in person, except in unusual circumstances as described above. However, provided capability for such participation is available at the meeting site, a member may attend up to two (2) committee of record meetings by conference telephone unless an exception is granted by the Chair. The leadership of a committee may choose to hold a small number of meetings by conference telephone, particularly if the committee is small or a meeting is held on short notice.

#### I. Removal for Non-Attendance

A member’s failure to meet these attendance requirements may result in loss of membership on the Planning Council. The Planning Council shall first attempt to improve attendance, and if this fails, shall recommend to the Mayor, through the Office of Boards and Commissions, that the non-attending member be removed in accordance with these Bylaws, subject to the following process and conditions:

1. **Warning letter:** If a member is in danger of failing to satisfy the meeting attendance requirement – after s/he has had two unexcused absences or three total absences during a single program year – the Membership Committee shall work with the staff and logistics contractor to send out a warning letter to notify the non-attending member in writing that unless attendance immediately improves, the Planning Council will recommend to the Mayor that the non-attending member be removed for failure to meet attendance requirements.
2. **Response period:** The Planning Council shall allow the non-attending member 30 calendar days from the date of the letter to respond in writing, indicating that s/he will attend meetings regularly and if relevant, indicating why attendance has been insufficient.
3. **Letter to Mayor’s Office (Boards and Commissions):** If the member does not begin regularly attending Planning Council and committee meetings or provide a response that adequately explains special circumstances that caused this non-attendance, the Membership Committee shall suspend the member and recommend the member’s removal to the Mayor’s Office of Boards and Commissions.. Following such action, a letter shall be sent to the Mayor’s Office of Boards and Commissions to request removal of the non-attending member. Written notice of all such actions shall be provided to the Chair and the Community Co-Chair, the Executive Committee, the Planning Council Staff and the Planning Council Support Contractor at the same time correspondence is sent to the Office of Boards and Commissions.

4. **Suspension:** At the same time the letter is sent to the Mayor's Office, a letter will be sent to the non-attending member informing him/her of the action taken by the Planning Council, and suspending the member from the Planning Council while the Mayor's Office is acting on the request for removal. A member under suspension is not allowed to participate as a member or vote at Council meetings and is not counted as an active member in the quorum requirements.

The application for Planning Council membership shall clearly state attendance requirements, estimate the typical number or range of hours per month required to meet these requirements, and ask applicants to indicate by signing the application that they understand and are prepared to meet these requirements. These requirements shall be discussed at interviews with prospective members, and all new members shall be asked to sign a member agreement that includes a commitment to meet these requirements.

#### J. Leave of Absence

A Planning Council member may request from the Membership Committee approval of a leave of absence of not less than two nor more than six months. A leave of absence may be granted by the Committee by a majority vote of the Committee, at its discretion, for reasons including serious illness of the member or a close family member in his/her care, professional responsibilities that make it impossible to attend Planning Council and committee meetings for a limited period of time, or other pressing personal reasons. A member may request a leave of absence not more than twice within a two year period and may not request a second leave of absence before returning to service and meeting attendance requirements for a period at least equal to the previous leave of absence. If unable to return by the date originally anticipated, a member may request extension of his/her leave of absence to the maximum duration of six (6) months. If granted the total period will be considered a single leave of absence. A member who is on a leave of absence shall not be counted as an active member in determining quorum

#### K. Resignation

Any member of the Planning Council may resign at any time by written notice that bears a valid signature and is delivered in person, via fax, by mail or by email to the Planning Council Chair at the Planning Council Coordinator's office. The resignation shall take effect at the time specified in the notice, or if not so specified, immediately upon receipt of the notice.

#### L. Change in Status

Members are appointed to fill specific membership categories. When a member of the Planning Council changes his or her affiliation so that s/he no longer represents the membership category s/he was appointed to fill, that member must inform the Membership Committee of this situation within thirty (30) days

If the member fits another membership category and the Council is not at maximum capacity, the Membership Committee may assign the member to the other membership category to represent that membership category for the remainder of his/her existing term. and notify the Planning Council Chair in writing of the change.

If there is no other position available, the member shall submit a letter of resignation from the Planning Council, and his or her seat shall be filled in accordance with the open nominations process.

If the member cannot fit into another available service category and does not resign, the Membership Committee may recommend his/her removal to the Mayor's Office as no longer eligible for service and immediately suspend the member from meeting participation and voting.

M. Removal for Cause

1. The Planning Council may recommend to the Mayor that any member, including the Chair, be removed from membership for cause. Conduct or behavior constituting cause for removal may include violations of the Code of Conduct, physical attacks on other Planning Council meeting attendees, verbal abuse of other attendees, and conflict of interest violations. The investigation in resolution of misconduct activities shall be performed by the Executive Committee, in keeping with established policy. If legal issues are involved, the Committee will immediately consult the Office of Corporation Counsel. In all cases, the Office of Boards and Commissions in the Executive Office of the Mayor of the District of Columbia shall make the final decision and take the required action for removal.
2. Recommendation of the removal of a member for cause shall require a two-thirds vote of members present and voting at any regularly scheduled meeting of the Planning Council with no fewer than ten (10) business days' prior notice. If the Planning Council recommends removal, the member shall then be suspended from participation as a member in Planning Council meetings until action by the Mayor's Office of Boards and Commissions.

N. Code of Conduct

The Planning Council has adopted and implemented a Code of Conduct for Planning Council members and interested community members including PLWH/A's who attend and participate in Planning Council meetings and other activities. The **Code of Conduct** is incorporated into these Bylaws and included as **Appendix A**.

O. Confidentiality Policy & Pledge

The Planning Council has adopted and implemented a Confidentiality Policy and Pledge for Planning Council members and interested community members including PLWH/A's who attend and participate in Planning Council meetings and other activities. The **Confidentiality Policy and Pledge** is incorporated into these Bylaws and included as **Appendix B**.

## VI. OFFICERS

### A. Chairperson

The Chair shall be appointed by the Mayor, in accordance with District of Columbia law and Ryan White legislative requirements.

The Chair, in conjunction with the Community Co-Chair and Executive Committee, shall call meetings of the Planning Council and assist in the preparation of Planning Council meeting agendas. S/he shall chair Council and Executive Committee meetings.

In consultation with the Community Co-Chair, the Chair shall appoint and discharge all committee chairpersons, and appoint Planning Council members to committees. In making such appointments, the Chair and Community Co-Chair shall ask Planning Council members to indicate their committee preferences.

The Chair shall serve as an *ex officio* voting member of all committees, but shall not be counted for determining the quorum required for committee action.

### B. Community Co-Chair

The Planning Council shall have a Community Co-Chair chosen by and from the membership of the Planning Council. Every effort shall be made to maintain gender parity in the leadership of the Planning Council. Additionally, if the Chair is someone who does not self-identify as a person living with HIV disease, nominees for the Community Co-Chair shall be individuals who openly self-identify as people living with HIV.

The Community Co-Chair shall co-facilitate meetings of the Planning Council with the Chair. The Community Co-Chair shall serve as the principal liaison to community-based organizations and the affected community. In the absence or disability of the Chair, the Community Co-Chair shall perform those duties that otherwise would be performed by the Chair. The Co-Chair shall work with the Chair on committee appointments.

The Community Co-Chair shall serve as an *ex officio* voting member of all committees, but shall not be counted for determining quorum.

### C. Terms of Office

1. The Chair serves at the pleasure of the Mayor, and in compliance with District of Columbia law..
2. The term of office of the Community Co-Chair shall be two years, or until his/her replacement has been duly elected. The Co-Chair may be elected to additional terms by the Planning Council.
3. In the event that the Chair resigns or is unable to serve, the Community Co-Chair shall serve as Interim Chair until such time as the Mayor appoints a new Chair

#### D. Removal of Officers

1. Procedures for recommending removal of members from the Planning Council are described in the Membership section. These procedures also apply to removal of the officers from the Planning Council. The procedures below apply to removal of an officer from his/her officer position without removal from the Planning Council.
2. The Chair can be removed from his/her officer position only by the Mayor. The Planning Council may recommend the Chair's removal from this office for any reason by a two-thirds affirmative vote of members present at any regularly scheduled or special meeting that provides required prior notice.
3. The Planning Council can remove the Community Co-Chair from his/her officer position for any reason by a two-thirds affirmative vote of members present at any regularly scheduled or special meeting that provides required prior notice.

### VII. MEETINGS

#### A. General

1. **Open meetings:** The meetings of the Planning Council shall be governed by the most recent edition of *Robert's Rules of Order*.
2. **Frequency of meetings:** The Planning Council shall meet at least 11 times a year, at a time and place that is specified, in writing, by the Planning Council Chair, in conjunction with the Executive Committee of the Planning Council, no less than ten (10) business days in advance.
3. **Facilities:** The Planning Council shall meet in facilities that are Americans with Disabilities Act (ADA)-compliant. The facilities shall be accessible to public transportation to the extent feasible.
4. **Location:** The Planning Council shall hold monthly meetings in the District of Columbia but may choose to hold some meetings in other parts of the EMA.

#### B. Special Meetings

The Mayor, Chair, Community Co-Chair, or any seven members of the Planning Council may call a special meeting of the full Planning Council. The call shall be by written notice mailed, emailed, faxed or hand delivered to Planning Council members, and to others who have requested notice of meetings not less than three days prior to the date set for such special meeting. Such notices must set forth specifically the subject matter of the meeting, and no other subject matter may be introduced or considered at such meeting.

#### C. Jurisdictional Meetings

Certain work of the Planning Council may be supported by activities in the jurisdictions subject to review and final approval by the Planning Council. For example, some components of the priority setting and resource allocations process are carried out in the individual jurisdictions – the District of Columbia, Northern Virginia, Suburban

Maryland, and when feasible the West Virginia counties. In such situations, Planning Council members will lead the jurisdictional meetings which must follow these Bylaws and the policies and procedures established by the Planning Council to guide the activity involved. This includes, for example, adherence to conflict of interest policies and public meetings and records requirements.

D. Participation of Administrative Agents

Representatives of administrative agents shall attend and participate in Planning Council meetings. They will also participate in certain committee meetings where their presence is most needed, as specified in their intergovernmental agreements (IGAs) with the grantee and as mutually agreed upon with the Planning Council.

E. Material

The agenda and critical material to be considered at a particular Planning Council meeting shall be transmitted to each member at least four (4) business days prior to the meeting, via e-mail or regular mail, depending on the preference of each member.

Materials for committee meetings shall be sent out in a timely manner that complies with the Standing Committee Protocols approved by the Planning Council. Distribution may be via e-mail or regular mail, depending on the preference of each member.

F. Agendas

An agenda shall be prepared for each regular meeting of the Planning Council by the Chair in conjunction with the Community Co-Chair and Executive Committee and shall be transmitted to Planning Council members in advance of the applicable meeting. No later than ten (10) business days prior to a meeting, members or non-members with proposed agenda item(s) for consideration may submit the item(s) in writing, or by telephone to the Chair through the Planning Council Support Contractor.

G. Public Meetings

All regular meetings of the Planning Council and its committees shall be open to the public. The Planning Council will establish procedures to hear concerns and statements from non-members of the Planning Council.

H. Executive Sessions

During any duly-called meeting, the Chair or two-thirds (2/3) of the Planning Council members present and voting may call for the Planning Council to meet in Executive Session to consider issues and topics that include, but are not limited to, internal personnel matters and participation by the Planning Council in civil actions or proceedings. Executive sessions shall be closed to all but Planning Council members and invited persons designated by the Planning Council (e.g., legal counsel, Planning Council Support staff).

## I. Community Persons

The opinions, experiences, and expertise of individuals living with HIV disease are essential for developing policies, programs, and strategies to respond effectively to the HIV/AIDS pandemic. As an organization with a wide diversity of people living with HIV disease, the Planning Council encourages community persons to participate in the Planning Council process, serve on committees, and attend Council meetings.

Members of the public shall be permitted to make a statement at a designated time during each Planning Council and committee meeting.

Community members may apply and upon approval become “named members” of Standing Committees as provided in the separate policy addressing that status.

Members of the public attending Planning Council meetings are required to comply with the Code of Conduct adopted by the Council.

## J. Quorum

At any Planning Council meeting, the presence of a majority of the Planning Council members appointed by the Mayor shall be necessary to constitute a quorum for the purpose of engaging in any formal decision-making. Members who have been granted a leave of absence, have resigned or been suspended or who have not yet been sworn in shall not be counted in determining quorum requirements.

## K. Voting

At any meeting of the Planning Council, each member shall be entitled to one vote upon any question before the Planning Council, provided that a quorum is then present. All Members who abstain or vote nay on any vote shall have their names and votes recorded in the minutes of the meeting. Members are required to comply with the Conflict of Interest policy when voting.

In determining the outcome of a vote, members abstaining will be counted as “not voting”. The same will hold true for any member absent from the room at the time of the vote. Passage of a measure will be based upon the “number of members present and voting.”

## L. Discussion

At a meeting of the Planning Council, the Chair shall call on Planning Council members. A member may not speak for more than two (2) minutes on any subject or more than twice on the same subject. Every member who wishes to speak will be called upon once before a member is called upon for a second time.

## M. Minutes

1. **Recordings of meetings:** Meetings of Planning Council and committee meetings shall be recorded, and the recordings preserved but not transcribed. The Planning Council Staff shall keep recordings of Planning Council meetings for a minimum of two years following the meeting or longer if required by applicable law(s). The

recordings shall not be removed from the DC Government location designated for storage of Planning Council records and archives, but shall be made available for on site review by appointment with the Planning Council Staff. The Planning Council Staff shall keep a log of requests to hear the recordings..

2. **Planning Council minutes:** The Planning Council shall keep detailed minutes of each meeting, and the Chair shall certify their accuracy, as required by Section 2602(b)(7) of the 2006 Ryan White legislation. The Planning Council Support Contractor shall prepare a draft of the minutes of each Planning Council meeting and set forth the significant topics discussed and actions taken at the meeting. A draft copy of the minutes shall be sent to all members for their review at least four (4) business days before the next regularly scheduled Planning Council meeting, as a part of the meeting packet. Any member wishing to propose a correction or change to the minutes shall do so at the next Planning Council meeting, and the minutes shall be approved by the Planning Council. The approved Planning Council minutes as corrected and certified by the Chair shall be posted on the Planning Council's website, filed at the DC Government location designated for storage of Planning Council records and archives that is to be maintained by Planning Council staff and made available to Planning Council members and the public on request submitted to the Planning Council Staff
3. **Committee minutes:** The Planning Council Support Contractor shall prepare minutes of official committee meetings. Draft committee minutes shall be included in the next Planning Council meeting packet and in the next committee meeting packet. If the committee makes no major substantive changes to the minutes when approving them, final committee minutes shall be provided to the committee and posted on the website, but need not be included in the next Planning Council meeting packet. Committee minutes shall be made available for Planning Council and public review and copying on request at the at the DC Government location designated for storage of Planning Council records and archives that is to be maintained by Planning Council staff.

## **VIII. MAINTENANCE OF RECORDS AND PUBLIC ACCESS**

The Planning Council Staff shall maintain the official Planning Council archives at the DC Government location designated for storage of and public access to Planning Council documents, recordings and other records in compliance with all applicable laws. All materials shall be kept for a minimum of seven years unless applicable law(s) require a longer period. Any and all duplicate copies of materials maintained by the Planning Council Support Contractor shall be returned to the Planning Council Staff upon termination of the contract.

- A. As required by Ryan White legislation, Section 2602(b)(7)(B(ii)), the records, reports, transcripts, minutes, agenda, or other documents that are made available to or prepared for or by the Planning Council shall be available for public inspection and copying at the DC Government location designated for storage of Planning Council records and archives that is to be maintained by Planning Council staff. during normal business hours, provided reasonable advance notice is given. Tapes of the meetings may be listened to on site by appointment made in advance with the the Planning Council Staff.

- B. This public access requirement does not apply to any disclosure of information of a personal nature that would constitute a clearly unwarranted invasion of personal privacy, including any disclosure of medical information or personnel matters.

## IX. COMMITTEES

### A. General

1. **Standing Committees:** Standing committees may be established or eliminated by the Planning Council through Bylaws amendment. An existing Standing Committee may be made inactive by majority vote of the Planning Council.
2. **Ad hoc committees and task forces of the Planning Council:** Ad hoc committees or task forces may be created at any time to meet the operational needs of the Planning Council. The Planning Council, or the Chair In consultation with the Community Co-Chair and with the approval of the Planning Council, may establish such entities as necessary.
3. **Subcommittees and task forces of Standing Committees:** The Chair and Co-Chair of each committee may appoint time-limited subcommittees or task forces as necessary to carry out the work of the committee. Establishment of a subcommittee or task force that is expected to last for more than two years requires approval by the Planning Council.
4. **Decision making:** Any action, proposal, or decision made by a committee shall be submitted for discussion, modification, and/or ratification to the Executive Committee and in turn to the Planning Council at the next meeting following such committee action, proposal, or decision.
5. **Expected participation:** Every Planning Council member is expected to participate actively in at least one Planning Council Standing Committee, with attendance requirements as stated in Section V. Item G.
6. **Membership:** The majority of the members of Standing Committees, with the exception of the Consumer Access Committee, must be Planning Council members. Committees that deal with Planning Council membership and governance issues may include only Planning Council members as voting committee members. Certain committees may also include non-members of the Planning Council as voting “named members”. To become a “named member” of a Standing Committee, a community member must apply and be accepted based upon the procedures and requirements established by the Planning Council and/or the specific committee. “Named members” shall be “interested community members” who live or work in the EMA. All committees must include members who are PLWH/A, and should strive for representation from multiple jurisdictions. Individual committees may have different minimum and maximum sizes and committee membership requirements based on their responsibilities and the extent to which they deal with confidential information.
7. **Leadership:** Each standing committee other than Executive shall have a Chair and a Co-Chair. The Chair must be a Planning Council member, since s/he serves on the

Executive Committee. Co-Chairs are selected by consent of the committee members and need not be Planning Council members

8. **Voting rights:** When standing committees allow non-Planning Council to become “named members”, these individuals shall have the same attendance requirements, member expectations, and voting rights as Planning Council members. Every member shall have one vote and there shall be no proxies or alternates, except that committee Co-Chairs may represent committee Chairs at the Executive Committee. In the absence of the Committee Chair, a Committee Co-Chair who is not an appointed sworn Planning Council member may represent the Chair and participate in discussion but may not vote at Executive Committee or Planning Council meetings.
9. **Staff support:** The Planning Council Staff shall provide technical support and advice to the committees, and help ensure ongoing grantee and administrative agent participation in committee meetings so that committees have the information, expertise, and resources to carry out their legislative responsibilities. The Planning Council Support Contractor shall provide meeting coordination and support to the committees.
10. The Planning Council has adopted and implemented **Standing Committee Protocols** that are incorporated into these Bylaws and included as **Appendix C**.

B. Executive Committee

1. **Duties:** The Executive Committee, in conjunction with the Planning Council Chair and Community Co-Chair, shall coordinate the work of the Planning Council and its committees, ensuring that all legislative responsibilities are being met. It shall review all committee reports and recommendations before they go to the full Planning Council, request revisions or additional work as needed, and set the agenda for Planning Council meetings. It shall also take urgent action as required between Planning Council meetings, as authorized by the Planning Council. The Executive Committee shall report to the full Planning Council, and its decisions shall be reviewed and ratified by the full Planning Council.
2. **Membership:** The Executive Committee shall include as voting members the Planning Council Chair, Community Co-Chair, and the Chairs of all standing committees. The Grantee’s representative and the Administrative Agents are non-voting, *ex officio* members of the Executive Committee.
3. **Committee Co-Chair participation:** If a standing committee Chair is unable to attend an Executive Committee meeting, the Co-Chair of that committee shall attend the Executive Committee to present the committee’s report and recommendations. However, the Co-Chair may vote only if s/he is a mayorally appointed Planning Council member.

### C. Other Standing Committees

1. The Planning Council shall have six standing committees other than Executive:
  - a. *Four planning committees:* Consumer Access; Needs Assessment and Comprehensive Planning; Care Strategy, Coordination, and Standards; and Financial Oversight and Allocations
  - b. *Two governance committees:* Membership and Bylaws, Policies, and Procedures
2. Standing Committees shall meet regularly and shall report their work and recommendations first to the Executive Committee and then to the Planning Council.
3. These Bylaws specify major responsibilities of the committees. The Standing Committee Protocols adopted by the Planning Council provide more detailed descriptions of committee duties, and membership, as well as formal policies and operating procedures to guide committee work on legislative responsibilities. In addition, each committee shall develop supplemental protocols needed to fulfill its specific mission and an annual Work Plan. These documents shall be reviewed by the Bylaws, Policies, and Procedures Committee to ensure consistency with Ryan White legislation and these Bylaws, and referred to the Executive Committee and full Planning Council for approval.

### D. Responsibilities and Membership of Planning-related Committees

#### 1. **Consumer Access Committee**

- a. **Duties:** The Consumer Access Committee leads and coordinates links between the Planning Council and the PLWH/A community, especially consumers of Ryan White services. It shall continuously do outreach and seek input from the PLWH/A community, including identification of emerging issues; ensure Planning Council members are educated regarding issues affecting PLWH/A; and communicate the work of the Planning Council to the PLWH/A community. This committee plays the lead role on behalf of the Planning Council in community education, arranging for leadership training for PLWH/A, active engagement of PLWH/A in the work of the Planning Council, and coordination of PLWH/A involvement in all Planning Council activities and committees. For example, the Committee shall work closely with the Needs Assessment and Comprehensive Planning Committee in arranging Town Hall meetings targeting consumers and in the design of needs assessment efforts that target PLWH. It shall assist the Membership Committee in identifying potential consumer members for the Council.
- b. **Membership:** Committee members shall be individuals living with or affected by HIV and AIDS. The membership size shall be unlimited. The committee may choose to have open membership or establish membership attendance or other requirements.
- c. **Relationship to jurisdictions:** The Consumer Access Committee shall be EMA-wide in its scope. It shall establish and maintain a structure that involves and links jurisdiction-specific PLWH/A groups to the EMA-wide committee.

The Jurisdictional PLWH/A groups shall forward information and findings to the EMA Consumer Access Committee. The Chair and/or Co-Chair of each Jurisdictional PLWH/A group is required to attend and make a formal report at each monthly meeting of the EMA Consumer Access Committee.

The EMA Consumer Access Committee is expected to translate input provided at meetings into specific recommendations for Planning Council action expressed in the form of motions submitted to the Executive Committee and/or requests for specific action by other standing committees.

Such motions and requests are to be presented at the Executive Committee meeting by the CAC Chair who is a full member and active participant in that body.

Upon review and modification, if necessary, CAC requests for supportive action will be assigned to the appropriate committee and motions will be submitted to the full Planning Council for consideration and further action to improve services and delivery systems for consumers.

Each jurisdictional PLWH/A group and the CAC shall hold a focused town hall meeting each year as part of the priority setting and resource allocations process, and their observations and recommendations shall be presented to the Planning Council as input to decision making.

## 2. Needs Assessment and Comprehensive Planning Committee

- a. **Duties:** The Needs Assessment and Planning Committee shall have primary responsibility for coordinating the comprehensive needs assessment process, and for receiving and reviewing data from a wide range of sources and ensuring that it is made available in user-friendly formats for Planning Council review and use in decision making. This includes working with the grantee to ensure a comprehensive, ongoing, multi-year needs assessment effort that meets legislative requirements and HRSA/HAB expectations, and reviewing and comparing many types of data such as epidemiologic, unmet need, other needs assessment, cost and utilization, quality improvement, and evaluation data from other committees, the grantee, and other sources. The Committee also coordinates Planning Council efforts in developing the three-year comprehensive plan and periodic review of plan progress. It also ensures Planning Council in the development of the Statewide Coordinated Statement of Need (SCSN) in the EMA jurisdictions.
- b. **Membership:** The Committee will have at least five (5) members who are Planning Council members. Its membership may also include the following non-Planning Council members as voting "Named Members": Two (2) or more unaffiliated PLWH members; Two (2) or more other community members .

## 3. Care Strategy, Coordination, and Standards (CSCS) Committee

- a. **Duties:** The Care Strategy, Coordination, and Standards (CSCS) Committee plays a lead role on behalf of the Planning Council in envisioning and supporting

a comprehensive, high quality system of care for Ryan White-eligible PLWH living throughout the EMA. It ensures the development and the periodic review and updating of Standards of Care for funded service categories, and provides them to the grantee for use in quality management and program monitoring. It works with the grantee on evaluation of the effectiveness of service strategies, in cooperation with the grantee's evaluation of clinical measures, and reviews Quality Management findings by service category, then ensures that the data are shared with the Needs Assessment and Comprehensive Planning Committee. It establishes task forces as needed to develop or review standards of care, looks at models for service delivery for specific service categories, address issues related to the system of care, or review groups of services such as core medical services or supportive services. It works closely with the Needs Assessment and Comprehensive Planning Committee on developing an ideal system of care for the comprehensive plan, and helps to identify issues related to coordination of services, to ensure a comprehensive continuum of care in the EMA.

- b. **Membership:** The committee will have at least five (5) members who are Planning Council members. Its membership may also include the following non-Planning Council members as voting "Named Members": Two (2) or more unaffiliated PLWH members; Two (2) or more other community members . . It shall regularly involve both additional Planning Council and non-Planning Council members as participants in task forces focusing on assignments related to Standards of Care and/or service delivery models for specific service categories or groups of service categories.

#### 4. Financial **Oversight and Allocations Committee**

- a. **Duties:** The Fiscal Oversight and Allocations Committee shall be responsible for monitoring Part A expenditures and service utilization by service category, monitoring the Planning Council budget, and overseeing the PSRA process. This includes developing and regularly reviewing policies and procedures that guide PSRA activities carried out in the jurisdictions and the final decision making by the Planning Council. The committee reviews PSRA recommendations from the jurisdictions and forwards them to the full Planning Council with any recommended revisions. It establishes procedures for reallocations across service categories during the program year and works closely with the grantee to develop recommended reallocations for Planning Council action. The committee also manages the annual assessment of the efficiency of the administrative \*mechanism.
- b. **Membership:** The committee shall have at least five (5) members. Because of its responsibility for overseeing the PSRA process, all members must be members of the Planning Council. A majority of members shall be individuals who do not represent Part A-funded providers.

#### E. Responsibilities and Membership of Governance Committees

##### 1. **Membership Committee:**

- a. **Duties:** The Membership Committee shall be responsible for developing and implementing an open nominations process (which may also be referred to as

the membership application process), for Planning Council member recruitment, review of applications, interviews with applicants, and recommendation of nominees for Planning Council action. It is responsible for working with staff to ensure new member orientation as well as development of a training plan and provision of member training and development. It works with the Support Contractor to monitor Planning Council and committee meeting attendance and, when necessary, recommends removal of members for non-participation based on Bylaws requirements. The Membership Committee shall ensure that the Planning Council membership meets representation requirements based on legislatively required membership categories and is reflective of the epidemic in the EMA.

- b. **Membership:** The Membership Committee shall include at least five (5) members. Because of the confidential nature of the committee's work, all its members must be Planning Council members. The Committee shall involve other Planning Council members to serve on interview panels to carry out personal interviews with applicants for the Planning Council.

#### 6. **Bylaws, Policies, and Procedures Committee:**

- a. **Duties:** The Bylaws, Policies, and Procedures Committee shall be responsible for the development and periodic review and updating of the Planning Council Bylaws and other policies and procedures such as Conflict of Interest and Grievance procedures. It shall review policies developed by other committees (such as the Open Nominations Process and Priority Setting and Resource Allocations Process) to ensure that they meet Ryan White legislative requirement and HRSA/HAB guidelines, and are consistent with these Bylaws. The Committee shall also be responsive for overseeing the grievance process, which includes establishing panels as necessary to review grievances filed against the Planning Council.
- b. **Membership:** The committee shall include at least five (5) members. Because this is a governance committee and because it handles grievances, all committee members must be members of the Planning Council.

## X. **CONFLICT OF INTEREST**

### A. Definition

For the purpose of these Bylaws, Conflict of Interest is defined as an interest by a Planning Council member in an action that may result in personal, organizational, or professional gain for the member or his/her spouse, domestic partner, parent, child, or sibling. The conflict of interest may be actual or perceived. Having an affiliation with a Part A funded provider – such as being a Board member, staff member, consultant, or volunteer for an average of more than 20 hours a week – constitutes a conflict of interest. Being a client of a Part A-funded provider is not considered or defined as a conflict of interest.

B. Participation of Conflicted Members:

At the beginning of each Planning Council or Committee meeting, each Planning Council member must verbally state (1) his/her name, (2) jurisdiction, (3) membership category and (4) identify any Part A funded service category(ies) for which there is a Conflict of Interest. . . If the topic requires, during a discussion, a Planning Council member must disclose his/her potential conflict of interest before speaking. . Members with a conflict of interest on a given matter shall not advocate for a specific position, make a motion or vote on action related to that matter. They may participate in discussion by offering factual information and answering questions..

During priority setting and resource allocations or reallocations, a member with a conflict of interest shall not take part in voting related to that service category, such as setting the service priorities or allocations or recommending for that service category, except that s/he may vote to approve or disapprove an entire slate of priorities or allocations.

C. Involvement in Procurement

No member of the Planning Council may have any role in procurement, which includes development of the Request for Applications (RFA), criteria for provider selection, or participation in provider selection. The sole exception is that one or more Planning Council members who do not represent a funded provider or a provider that is eligible to apply for Part A funds may, at the request of the Planning Council and the grantee or administrative agent, review specific sections of the RFA that are related to Standards of Care or directives established by the Planning Council. This restriction shall not impede or limit the Planning Council's right to formulate appropriate directives and/or standards of care.

D. Violations of Conflict of Interest

Planning Council members are expected to question possible conflicts of interest. If a conflict of interest is reported or alleged, the Executive Committee is responsible for investigating and addressing the conflict of interest, using written procedures adopted by the Planning Council.

E. Planning Council Policy, Procedures & Forms related to Conflict of Interest

The Planning Council has adopted and implemented a **Conflict of Interest Policy and Procedure** that is incorporated into these Bylaws and included as **Appendix D**.

## XI. OFFICIAL COMMUNICATIONS AND REPRESENTATION

- A. The spokespersons for the Planning Council are the Chair and the Community Co-Chair. They are authorized to speak on behalf of the Council with regard to its roles and responsibilities and provide factual information about actions that have been taken by the Council or are on its public agenda, as well as any other matters for which they have received official authorization from the Council.
- B. No officer or member of the Planning Council shall perform any act or make any statement or communication under circumstances that might reasonably give rise to an

inference that he or she is representing the Planning Council, except for actions or communications that are clearly within the policies of the Planning Council or have been authorized in advance by the Planning Council.

- C. The procedures for Planning Council members to distribute information to the full Council are clarified by the “Code of Conduct” in the section “Representations/Communications”

## **XII. FUNDING AND EXPENSE REIMBURSEMENT**

- A. **Planning Council support funds:** The Planning Council shall work with the grantee to agree on the designation of funds for the effective operation of the Planning Council and its committees.
  - 1. **Fiscal management of Planning Council operating budget support funds:** Planning Council support funds, like all Part A funds, are managed by the Grantee, directly and through grants and contracts. The Planning Council works with the Grantee to agree on the amount of the annual Planning Council (operating / support budget), which is a part of the 10% of the Part A grant that is available for administrative costs. The Planning Council, with the Financial Oversight and Allocations Committee (FOAC) as the lead, has responsibility for developing the Planning Council (operating / support budget) and when necessary during the year modifying it to better meet Planning Council goals. The Planning Council Staff and FOAC share responsibility for overseeing and monitoring Planning Council expenditures on behalf of the Council, based on Grantee-generated reports supplied to the Planning Council Staff. All Planning Council expenditures must meet Ryan White guidelines as well as DC financial management regulations.
  - 2. **Securing for Planning Council consultants or services:** When the Planning Council needs consultants or other external services, arrangements will be made to satisfy these needs using the most efficient and timely mechanism available under DC regulations. This may involve arrangements through the Support Contractor or other methods. The Planning Council will work with the Planning Council Staff to state specific needs and a suggested scope of work, suggest criteria or qualifications, identify potential candidates where feasible, and participate in the selection process to the extent permitted under applicable DC regulations. All arrangements must meet both DC regulations and Ryan White guidelines.
- A. **Long distance travel expenses:** When Planning Council members travel in the performance of their Planning Council duties, reasonable travel expenses including transportation, lodging, and per diem for members may be paid from Ryan White funds and the method of payment shall not require members to advance funds in excess of \$100.00. Such travel expenses must be reviewed and recommended by the the Chair and the Executive Committee, and be approved by HRSA and the Grantee in advance to ensure they meet established travel policies and procedures with regard to use of Part A funds.
- B. **Expenses of Planning Council Members:** Members of the Planning Council are eligible for reimbursement of certain expenses incurred in connection with Planning

Council work that are allowable under HRSA guidance and the Planning Council's Expense Reimbursement Policy.

- C. **Expenses of “Named Members” of Standing Committees:** Non-members of the Planning Council who are accepted as “Named Members” of Standing Committees are eligible for reimbursement of certain expenses incurred in connection with Planning Council work that are allowable under HRSA guidance and the Planning Council's Expense Reimbursement Policy
- D. **Expenses of Consumers (PLWH/A's):** Consumers (PLWH/A's) who are not Planning Council members may be eligible for reimbursement of certain expenses incurred in connection with Planning Council participation that are allowable under HRSA guidance and the Planning Council's Expense Reimbursement Policy.
- E. **Allowed Expenses, Requirements and Procedures for Securing Payment:** In all cases covered by C, D, and E above, the following conditions apply.
  - 1. Specific expenses eligible for reimbursement and the procedures for securing monthly reimbursement are defined in the separate Expense Reimbursement Policy approved by the Planning Council that may change from time to time based on changes in HRSA policy and Planning Council decisions.
  - 2. The Planning Council may-reimburse only expenses allowed by HRSA but is not required to reimburse all allowable expense categories. Exercising its best judgment, the Planning Council may choose not to reimburse some types of allowable expenses based on budget constraints or other factors.
  - 3. Payment of reimbursements will be contingent upon the eligible individual's following established procedure to submit requests and any required documentation [in a timely manner?].
- F. The Planning Council has adopted and implemented an **Expense Reimbursement Policy and Procedure** that is incorporated into these Bylaws and included as **Appendix E**.

### **XIII. AMENDMENTS**

The Planning Council is responsible for developing, reviewing, and recommending any needed amendments to the Bylaws. Revised Bylaws do not go into effect until they are approved by the Mayor's Office. Bylaws must also be submitted to the HRSA/HAB Project Officer for review, to ensure that they meet Ryan White legislative requirements and HRSA/HAB policies. The following process shall be used in Bylaws review and revision.

A. Step 1: Submission to Bylaws, Policies and Procedures Committee.

Proposed amendments to the Bylaws may be initiated by the Bylaws, Policies, and Procedures Committee as part of its own regular review process, drafted by the Committee at the direction of the Planning Council or Executive Committee, or submitted in writing to the Bylaws, Policies, and Procedures Committee by a Planning Council member. The Bylaws, Policies, and Procedures Committee shall review the proposed

amendments. Bylaws amendments shall be recommended to the Executive Committee for further consideration only if they are supported by majority vote of Bylaws, Policies, and Procedures Committee members at a meeting at which a quorum is present.

B. Step 2: Submission to the Executive Committee.

The Executive Committee shall review proposed amendments as recommended by the Bylaws, Policies, and Procedures Committee and determine whether each proposed amendment should be presented for action by the Planning Council. To be recommended to the Planning Council, an amendment must receive the affirmative vote of a majority of Executive Committee members at a meeting at which a quorum is present.

C. Step 3: Planning Council Vote.

To be adopted, a proposed amendment to the Bylaws must receive the affirmative vote of two-thirds (2/3) of Planning Council members present and voting at a meeting at which a quorum is present. A proposed amendment may not be considered by the Planning Council unless it has been sent, in proposed form, to each Planning Council member at least seven (7) business days prior to the Planning Council meeting

#### **XIV. GRIEVANCE PROCEDURES**

The Planning Council shall adhere to its established procedures for addressing grievances with respect to funding under Section 2601(a) of the Ryan White legislation. The Planning Council has adopted and implemented a **Grievance Policy and Procedure** that is incorporated into these Bylaws and included as **Appendix F.** These grievance procedures are in compliance with HRSA's guidance.

**METROPOLITAN WASHINGTON REGIONAL  
RYAN WHITE PLANNING COUNCIL**

**BYLAWS**

**APPENDIX A: Code of Conduct**

# METROPOLITAN WASHINGTON REGIONAL RYAN WHITE PLANNING COUNCIL

## CODE OF CONDUCT POLICY & PROCEDURES

(Adopted by Planning Council 12-18-08; Updated 04-18-2012)

**NOTE:** This Code of Conduct formulated and adopted by for the DC EMA is consistent with the “best practices” of Planning Councils serving EMA’s and TGA’s across the United States. Further, it is compliant with guidelines of the Ryan White HIV/AIDS Treatment Extension Act of 2009 (“CARE Act”) and the most recent HRSA guidance. The Code is comprised of **two sections: (1)** one for **members of the Planning Council, its committees, subcommittees or task forces**; and **(2)** one for **members of the public** who attend Planning Council, committee, subcommittee or task force meetings as well as any other public events presented or supported by the Planning Council. Copies of this Code of Conduct are available to all meeting guests who, by their presence and participation, agree to respect and adhere to the terms of set forth herein.

### **Purpose and Scope**

This Code of Conduct describes the behavior expected of all Planning Council members and other official meeting participants at all meetings and activities associated with the work of the Planning Council.

The Code of Conduct is designed to ensure appropriate behavior at Planning Council and committee meetings as well as other events conducted by the Planning Council. Provisions of the Code of Conduct are designed to ensure that the Council can be productive, open to community input, and respectful of its members and visitors. The Code helps to create a positive environment, and to protect all members and public participants from inappropriate and disruptive behavior.

### **Applicability**

The Code of Conduct applies to Planning Council members and to non-members who serve on standing committees, subcommittees, or task forces.

### **Approval and Implementation**

The Planning Council establishes, approves and secures member acceptance of the Code of Conduct.

1. The Code of Conduct is presented and reviewed at each New Member Orientation, at the Planning Council Annual Retreat, and at the Planning Council’s Annual Meeting.
2. Non-Planning Council members of Standing Committees must sign and submit the Code of Conduct Affirmation and Pledge Form prior to joining a committee. Non-Planning Council committee members are to submit their completed forms to the Standing Committee Chair who will forward them to the Planning Council Coordinator at HAHSTA.
3. The Planning Council Coordinator at HAHSTA will ensure proper distribution of each form from a Planning Council member to (1) the Office of Boards and Commissions in

the Executive Office of the Mayor of the District of Columbia, CEO of the EMA; (2) the Planning Council Support Contractor; (3) Planning Council Chair and Community Co-Chair; (4) the Chair of each Standing Committee; (5) the Administrative Agent for the member's applicable jurisdiction. In each instance, copies of the member's declaration(s) are to be retained in the member's file. Copies of forms for Non-Planning Council members of Standing Committees, Subcommittees or Task Forces are to be forwarded only to the Planning Council Coordinator with the original retained by the Coordinator at HAHSTA.

## **Expected Conduct by Planning Council and committee members at all Council Events**

### **Code of Conduct during Meetings**

Planning Council, committee, subcommittee and Task Force members are expected to follow these rules of conduct in all meetings and other Planning Council-related events:

1. Conduct themselves in a professional and courteous manner at all times.
2. Follow the laws and regulations governing Washington, DC Boards and Commissions, the agencies and jurisdictions in which they serve, and the Planning Council's Bylaws, Policies, and Procedures.
3. Follow the Council's Conflict of Interest Policies and Procedures, assist the chair of the meeting in ensuring that they are consistently followed, and conduct themselves in a manner that prevents perceived as well as actual conflicts of interest.
4. Address others with respect – as intelligent people with a right to be a part of discussions and decision making – so that everyone has the opportunity to speak and to be listened to, without interruption.
5. Follow any additional procedures for discussion that may be set by the meeting Chair, such as limiting the length of individual presentations and setting reasonable time limits on debate. The Council's Community Co-Chair will be responsible for helping to ensure that the Code of Conduct is followed during Planning Council and Executive Committee meetings. The Chair or Co-Chair of a committee will play this role in committee meetings.
6. Recognize the authority and follow the direction of the meeting Chair. Do not disrupt a meeting or encourage or assist members of the public to do so.
7. Cooperate with the agreed-upon decision-making process – whether majority rule, some form of super majority (e.g., two-thirds vote) if specified in the Bylaws, or consensus, etc. Unless otherwise determined, decision making will be done using *Robert's Rules of Order*.
8. State disagreements about issues without engaging in personal attacks.

9. Follow and support decisions made by the body, regardless of their personal position.
10. Serve as both an advocate and a planner, recognizing a responsibility to both present the concerns of specific communities or population groups, and make decisions that are data-based and reflect the overall needs of people living with HIV disease in the EMA.
11. Follow the Council's Confidentiality Policy, as stated in the Confidentiality Pledge signed by each member. This means not disclosing personal information about any Planning Council or committee or subcommittee member – such as the HIV status of anyone who is not publicly disclosed, or medical or personal/personnel information that would constitute an invasion of privacy – that was obtained through their Planning Council relationships and activities
12. Act on behalf of all PLWH in the EMA, not to benefit the member or any funded entity.
13. Refrain from asking questions, requesting information, or making comments about the performance or funding of individual Part A provider agencies. Dealing with specific providers involves procurement and contract management and is the responsibility of the grantee. Members may, however, request information about performance and expenditures related to a service category, regardless of the number of providers in that category.
14. If they feel they cannot support the mission, goals, strategies, programs, and/or leadership of the Council and committees as agreed upon by the members, resign or decline involvement in the affected matter.
15. Take responsibility not only for following by the Code of Conduct personally, but also for speaking out to ensure that all participants follow it.

### **Representation/Communications**

Except as stated otherwise in the Bylaws, the only authorized official representatives of the Planning Council are the Chair and the Community Co-Chair.

1. The Chair and/or the Community Co-Chair may represent the Planning Council in public. This includes representation to the press, public, and in any situation where the official input of the Planning Council is needed.
2. Committee Chairs may represent their committee only, and only to other members of the Planning Council, except when authorized by the Planning Council to represent it.
3. Other members shall represent only themselves, unless properly authorized by the Planning Council or a committee to represent the Planning Council or the Committee, respectively.

## **Sanctions**

The following measures may be taken if a Planning Council or committee member fails to comply with the Code of Conduct stipulated above.

1. When a Planning Council or committee member violates this Code of Conduct in a meeting, the meeting Chair is expected to inform him/her that the behavior is unacceptable. Others in attendance are expected to support the Chair in ensuring that everyone follows the Code of Conduct. If inappropriate behavior continues and the Chair feels it will disrupt the process, s/he may ask the individual to leave the meeting. Prior to removing the individual, the Chair of the meeting shall publicly state the reason for removal.
2. If a member of the Planning Council repeatedly violates the Code of Conduct, the Confidentiality Policy or other Council policies during committee meetings, the Committee Chair may request that the Planning Council Chair remove this individual as a committee member subject to the approval of the Executive Committee. The member will be suspended from Committee attendance and participation while the request for removal is pending.
3. If a Planning Council member continually violates the Code of Conduct in Planning Council meetings or other events, s/he may be recommended to the Mayor's Office of Boards and Commissions for "removal for cause" as stated in the Bylaws. Such a recommendation requires a two-thirds vote of the Council members, meeting in executive session, at any regular or special meeting that is held after provision of no fewer than ten business day's prior notice. If the member is recommended by the Planning Council for removal, s/he will be suspended from participation until action by the Mayor's Office of Boards and Commissions. .
4. If a committee or subcommittee member who is not a Planning Council member repeatedly violates the Code of Conduct, the Planning Council Chair may remove this individual as a committee member with the approval of the Executive Committee.
5. If the individual feels that s/he has been treated unfairly, s/he may express this concern to the Executive Committee, which will attempt to resolve the situation informally. If unable to do so, the Executive Committee will inform the individual of his/her right to pursue his/her complaint using the Planning Council's Grievance Policy and Procedures process that is managed by the Bylaws, Policies, and Procedures Committee.

## **Expected Conduct by Members of the Public at Planning Council Events**

### **Code of Conduct**

The following is expected conduct by members of the public who attend Council or committee meetings or other Planning Council-sponsored events:

1. Members of the public are encouraged to attend and participate in meetings of the Planning Council as well as community events organized or supported by the Planning Council.
2. PWA and PLWH members of the community are strongly encouraged to attend and actively participate in the monthly Jurisdictional (DC, MD, VA and WV) PWA Committee meetings as well as the monthly EMA Consumer (PWA-PLWH) Access Committee meeting. These PWA-PLWH committees are an integral part of the Planning Council process. The EMA Consumer (PWA-PLWH) Access Committee Chair is a member of the Executive Committee. As a result, the PWA-PLWH committees, open only to PWA-PLWH, are the best means of providing input and raising concerns of the PWA-PLWH community.
3. Members of the public are encouraged to attend and participate in committee meetings and to become regular, active members of committees that include non-Planning Council membership. This allows maximum opportunities for public input at an early stage in discussions.
4. Opportunity for public comment and contribution will be included in Planning Council meetings and events. Members of the public are expected to comply with the times and means for comment and input established by the Planning Council.
5. The Agenda for each monthly Planning Council Meeting including specific issues to be considered will be posted on the Council website seven (7) days prior to the meeting.
6. Members of the public may submit written comments that will be distributed to all Planning Council members and meeting attendees. In order for such written comments to be included in the Meeting Materials for a specific meeting, the comments must be provided to the Planning Council Coordinator at HAHSTA no less than ten (10) calendar days before the meeting date.
7. A Public Comment Period with a firm time limit will be provided at every regular monthly meeting of the full Planning Council. Members of the public wishing to offer comments at a given meeting must submit a written or email request to the Planning Council's Community Co-Chair or Planning Council Coordinator at HAHSTA no later than close of business on the Monday before the monthly Planning Council meeting held on Thursday. Priority for use of available public comment time will be assigned based upon the order in which requests were received. If requests for use of public comment time exceed the pre-set period, the Chair shall have sole and final discretion of whether additional meeting time will be allocated for public comments. The Chair's decision will consider the time demands imposed by the remainder of the agenda requiring Planning Council consideration and action at the particular meeting.
8. Time constraints prevent having members of the public participate in Planning Council debate.
9. Members of the public are expected to treat members and other guests with courtesy and respect at all times.

10. When speaking, members of the public are expected to follow any specified time limitations and to recognize the authority and follow the direction of the Chair of the meeting.
11. Members of the public may speak during the meeting only during Public Comment periods or when recognized and requested to do so by the Chair.
12. Members of the public should recognize that the Planning Council has no role in procurement or in monitoring the performance of specific Part A providers, and that concerns related to services provided by specific agencies should be addressed to the grantee, not the Planning Council. Such concerns or questions can also be raised at the monthly DC, MD and VA PLWH meetings and the EMA-wide Consumer Access Committee meeting

### **Sanctions**

The following measures may be taken if a member of the public fails to comply with the Code of Conduct stipulated above.

1. At any given meeting, a member of the public who repeatedly fails to follow these guidelines, uses disrespectful language or otherwise disrupts meetings or events will be warned and, then if the behavior persists, will be asked by the Chair to leave the meeting. Prior to removing the individual, the Chair of the meeting shall state on the record the reason for removal. Other members will behave in a manner that supports the decision and action by the Chair.
2. If a member of the public repeatedly behaves disrespectfully or disruptively at multiple meetings, the Executive Committee may vote to recommend that the individual be excluded from future meetings. If the member of the public wishes to protest this decision, s/he may file a complaint using the same process stated in the Planning Council's Grievance Policy and Procedures.

# METROPOLITAN WASHINGTON REGIONAL RYAN WHITE PLANNING COUNCIL

## CODE OF CONDUCT AFFIRMATION & PLEDGE

(Adopted by Planning Council 12-18-08; Updated 04-18-2012)

### **Purpose and Scope**

This Code of Conduct describes the behavior expected of all Planning Council members and other official meeting participants at all meetings and activities associated with the work of the Planning Council.

The Code of Conduct is designed to ensure appropriate behavior at Planning Council and committee meetings as well as other events conducted by the Planning Council. Provisions of the Code of Conduct are designed to ensure that the Council can be productive, open to community input, and respectful of its members and visitors. The Code helps to create a positive environment, and to protect all members and public participants from inappropriate and disruptive behavior.

### **Applicability**

The Code of Conduct applies to Planning Council members and to non-members who serve on standing committees, subcommittees, or task forces.

### **Understanding and Acceptance**

By signing this Code of Conduct Pledge, I acknowledge receiving a copy of the full Code of Conduct and being afforded the opportunity to discuss it with the Planning Council Chair or Community Co-Chair or a member of the Executive Committee. I affirm that I understand the statement and the reasons for it.

### **Enforcement**

I realize that violation of any provision of this agreement may result in disciplinary measure/s up to and including removal from the Planning Council being taken against me.

Any perceived violation of the Code of Conduct is to be addressed by the Council Chair, Community Co-Chair, Committee Chair and/or Executive Committee as prescribed in the full Code of Conduct Policy and Procedures. Any issue not resolved by those means is to be addressed and resolved using the Planning Council's Grievance Policy and Procedures

### **Pledge**

By signing below, I agree to abide by the expectations set forth in the Code of Conduct for the Metropolitan Washington Regional Ryan White Planning Council.

\_\_\_\_\_

**Print Name**

\_\_\_\_\_

**Signature**

\_\_\_\_\_

**Date**

Member of:    \_\_\_ Planning Council  
                  \_\_\_ Standing Committee: \_\_\_\_\_  
                  \_\_\_ Subcommittee: \_\_\_\_\_  
                  \_\_\_ Task Force: \_\_\_\_\_

**METROPOLITAN WASHINGTON REGIONAL  
RYAN WHITE PLANNING COUNCIL**

**BYLAWS**

**APPENDIX B: Confidentiality Policy & Pledge**

# METROPOLITAN WASHINGTON REGIONAL RYAN WHITE PLANNING COUNCIL

## MEMBER CONFIDENTIALITY POLICY & PLEDGE

I, the undersigned member of the Metropolitan Washington Regional Ryan White Planning Council or one of its standing committees, subcommittees or task forces, hereby affirm that my position as a Planning Council member brings with it an ethical responsibility for keeping certain information confidential. This applies to information contained in documents or records, or discussed during interviews, needs assessments, meetings, or other situations that may arise as the Council carries out its mandated responsibilities.

I affirm that it is up to the individual to decide whether and when to publicly disclose his/her HIV status, medical status, co-morbidities, and other personal/personnel information. I will maintain the confidentiality of such information with regard to Planning Council members; members of the Council's standing committees, subcommittees or task forces; applicants for membership in the Council or any of its sub-groups; and clients/consumers who participate in Planning Council-related activities and others involved with the work of the Planning Council.

This includes holding in confidence the personal experiences or concerns and other sensitive information shared by any members of the Planning Council or its committees, subcommittees or task forces or otherwise obtained because of my Planning council membership. I will help to ensure that in minutes or reports posted on the Council's website, personal information shared in a committee, working group, or Planning Council meeting – with special emphasis on information shared at Consumer Access Committee meetings – is referenced generally rather than identified with a particular individual.

By signing this Confidentiality Policy and Pledge, I acknowledge receiving a copy of this statement and having the opportunity to discuss it with the Planning Council Chair or Community Co-Chair or a Planning Council Support Staff member. I affirm that I understand the statement and the reasons for it.

I realize that violation of any condition of this agreement may result in disciplinary procedure/s against me up to and including removal from the Planning Council. Any perceived violation of the Planning Council's Confidentiality Policy is to be addressed and resolved using the Planning Council's Grievance Policy and Procedures

By signing below, I agree to the conditions set forth in this Confidentiality Policy and Pledge.

\_\_\_\_\_

Print Name	Signature	Date
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Member of: \_\_\_ Planning Council  
\_\_\_ Standing Committee: \_\_\_\_\_  
\_\_\_ Subcommittee: \_\_\_\_\_

**METROPOLITAN WASHINGTON REGIONAL  
RYAN WHITE PLANNING COUNCIL**

**BYLAWS**

**APPENDIX C: Standing Committee Protocols**

# Metropolitan Washington Regional Ryan White Planning Council

## STANDING COMMITTEE PROTOCOLS

(Adopted by Planning Council 12-18-08; Revised 01-31-2013)

*(Not Applicable to the Executive Committee whose protocols are similar to those of the Planning Council)*

### Annual Process

1. For every program year (March 1 – February 28), each committee will complete a written annual Work Plan and Budget Forecast, using a consistent table format approved by the BPP Committee. The documents will follow these protocols and describe how and when each committee will complete its roles and responsibilities as assigned by federal regulations, Planning Council Bylaws, the three-year Comprehensive Plan, the annual Grant Application, the Memorandum of Understanding and any other plans adopted by the Council.
  - **Work Plan** will be completed by December 1 of the year before the start of the next Grant Year.
  - **Budget Forecast**, based upon the Work Plan, will be completed by January 15 of the year in which the next Grant Year begins.
2. The Planning Council Chair, Community Co-Chair, the Bylaws, Policies and Procedures Committee Chair, and Planning Council Staff at HAHSTA will review all committee plans and key dates. The Planning Council Staff at HAHSTA will integrate the key dates from each committee plan into a Consolidated Work Plan and Budget Forecast. The Consolidated Work Plan should show all deadlines for filing of paperwork required by Ryan White-related governmental agencies and ensure the Council fulfills its responsibilities in a timely manner essential to meeting such deadlines.
3. The Support Contractor will cost out the proposed Work Plan using the accompanying Budget Forecast information. The Planning Council Chair, Community Co-Chair, the FOA Committee Chair, Planning Council Staff at HAHSTA and the committee chairs, as needed, will work with the Support Contractor to bring the Operating Budget in line with available funding.
4. Each year, the Consolidated Work Plan and the Operating Budget will be reviewed and approved by the Executive Committee at its February meeting and forwarded to the full Planning Council for action at its February meeting.
5. The Consolidated Work Plan and the Operating Budget for the Planning Council will be reviewed and adopted by the full Council at the February meeting for implementation at the start of the new Grant Year on March 1<sup>st</sup>.
6. Each Planning Council member and every non-Planning Council committee member will receive a copy of overall work plan and his/her committee's work plan with timeline.
7. Existing work plans will be presented and reviewed at the Orientation for new Planning Council Members to be held in following appointment by the Mayor.

## Protocols

1. **Committee Participation:** As specified in the Bylaws, all PC members are required to participate as active members of at least one standing committee. Each member must attend a minimum of two-thirds of the meetings of each committee joined as a member. Failure to do so may lead to loss of membership on the Planning Council. (The committee attendance requirement and the Planning Council attendance requirement must **both** be met separately. Failure to fulfill **either** can result in removal from the Planning Council.)

**Only Planning Council members who join and meet attendance requirements of a given Committee may vote.**

Planning Council members may choose to join more than one committee provided they complete and submit the “Additional Committee Registration Form” and submit it to the committee chair and support contractor staff. To remain a member of the additional committee with voting rights, the individual must meet the two-thirds attendance requirement for each committee joined. Attendance at the additional committee does not replace the Bylaws mandated attendance at the committee of record. Members interested in additional committees but unable to commit to regular participation should attend as non-members, who may participate in discussions, but may not vote.

2. **Committee Membership:** Planning Council members are assigned to committees by the Council Chair and Community Co-Chair each year as specified in the Bylaws. To the maximum extent possible, committee assignments are based on member preferences.

Planning Council members who wish to be officially added/changed on a committee must make their request to the Membership Committee Chair. The Chair will verify the member ratios and determine if the PC member can be added/changed. The Membership Chair will verify the addition/change with the PC Chair, and upon approval, will notify the Committee Chair and the PC member.

Committee members who are not Planning Council members are recruited by the committee under the leadership of its Chair and Co-Chair, who may request assistance from the Membership Committee. (The Membership Committee may know the names of parties interested in eventually becoming Planning Council members who are also interested in committee work in the interim.) The Committee Chair brings the names of non-Planning Council members to the Membership Committee for review and approval. Membership Committee review and approval of membership is not required for the Consumer Access Committee which has open membership that is restricted to people living with HIV and AIDS. A separate policy for “Named Members” of standing committees has been adopted and details this process.

3. **Committee Leadership:** Each standing committee other than Executive shall have a Chair and a Co-Chair. The Chair must be a Planning Council member, since s/he serves on the Executive Committee. Co-Chairs are selected by consent of the committee members and need not be Planning Council members. The Committee Chair is automatically a member of the Executive Committee, and the Co-Chair is the Alternate who attends Executive Committee meetings and makes the Committee's report in the Chair's absence. Whenever a Committee Chair is not available, staff and Planning Council members are expected to consult with the Co-Chair, who is responsible for taking necessary action on behalf of the Chair so that the committee functions efficiently, and for maintaining communications with the Chair in such situations. Whenever a Committee Chair is unable to attend a Planning Council meeting, the Co-Chair attends and presents the committee's report. Committee Chairs are encouraged to share leadership with their Co-Chairs in order to facilitate Planning Council leadership succession. Committee Co-Chairs who are not Planning Council members and attend Executive Committee or Planning Council meeting to represent the committee in the absence of the Chair may speak and participate in discussion but may not vote.
4. **Leadership Communications:** Distribution of all official communications to or from committee Chairs and Co-Chairs shall be via email. In addition to email distribution, a "hard copy" will be made available for pickup or sent by mail if necessary to ensure timely delivery and review. Using the same distribution methods and guidelines, all such communications are also to be copied to the Planning Council Chair, the Community Co-Chair, the Planning Council Staff, and the HAHSTA staff liaison assigned to a given committee, and the Support Contractor.
5. **Committee Member Orientation:** New committee members receive an orientation from the Chair and/or Co-Chair with support from the Planning Council Staff and Support Contractor staff assigned to the committee. This orientation may be provided to a group of new members or individually to a single new member, and is always provided within one month after the individual becomes a committee member. The orientation, at a minimum, includes information on the following:
  - The purposes and responsibilities of that committee as specified in the Bylaws
  - Its protocols for operation
  - Its annual work plan and timeline
  - Its meeting schedule
  - How it relates to other committees
  - Any special committee processes and procedures (for example: the Open Nominations Process managed by Membership Committee; Needs Assessment process managed by the Needs Assessment and Comprehensive Planning Committee; etc.)
  - Key issues or topics currently being considered by the committee
  - How to analyze typical materials or reports used by the committee (for example, the financial reports from the grantee and Planning Council expenditure reports that are reviewed by the Financial Oversight and Allocations Committee).

6. **Staffing:** Each committee is supported by a one of the Planning Council staff and a member of the Support Contractor’s staff. In addition, except for the two governance committees (Membership and Bylaws, Policies, and Procedures), each committee has at least one HAHSTA staff liaison and an alternate, one of whom who attends each monthly meeting for the purpose of assisting with interaction between the committee and the Grantee. The exception is the Consumer Access Committee, which regularly has Support Contractor staff and Planning Council Staff at its meetings but only has HAHSTA staff in attendance when specifically requested with sufficient advance notice. Planning Council Staff and Support Contractor Staff coordinate providing the following:

- **Support Contractor:**

- Handling logistics for meetings (e.g., sending out notices, e-mailing materials for review prior to meetings, arranging locations, setting up communications equipment so members can connect by telephone, providing food as required)
- Recording the meeting (except for Consumer Access Committee meetings, Membership Committee executive sessions or interviews of prospective new members, and executive sessions of other committees) and preparing draft minutes, for review and approval by the Chair
- Keeping attendance – receiving RSVPs from committee members, recording excused absences, informing the Chair and Co-Chair as soon as possible if there may not be a quorum, documenting excused and unexcused absences in meeting minutes, and providing this information to the Membership Committee according to the schedule and format required by prior agreement.
- Following and with the assistance of PC Staff based at HAHSTA, managing compliance with the “Timeline for Submitting-Distributing Meeting Materials” (Appendix 1) which sets forth dates for sending (via email) meeting reminder notices (with the agenda and draft minutes for prior month’s meeting) and meeting materials to committee members and regular attendees for review prior to the meeting.
- Assembling Meeting Material packets for each committee member and other attendees.
- Maintaining committee records
- Within the scope of the Support Contractor’s contract, providing other administrative and operational support to implement the committee’s approved Work Plan and Operating Budget as requested by the Committee Chair or Co-Chair following established policies and procedures adopted by the Council.

- **PC Staff based at HAHSTA:**

- Advising the Committee Chair and Co-Chair of upcoming deadlines and important action items that should be covered at meetings and to do so with sufficient advance notice as to allow adequate time for committee action.
- Helping to obtain information and prepare content materials needed for meetings
- Serving as an advisor regarding Ryan White legislative and administrative requirements so that committee work and recommendations are in compliance with them
- Ensuring that the committee follows these Protocols and its own Protocols including the “Timeline for Submitting-Distributing Meeting Materials” (Appendix 1) as well as Planning Council Bylaws, Policies and Procedures.
- Assisting the committee in fulfilling its commitments based on the three-year Comprehensive Plan, the annual Grant Application, the Memorandum of Understanding and any other plans adopted by the Council
- Assisting with new committee member orientation
- Supporting committee operations by providing assistance requested by the Committee Chair or Co-Chair or for which a need becomes known through other means.

- **Grantee staff:**
  - Serving as Grantee liaison in fulfilling Grantee responsibilities under that MOU as they relate to the particular committee’s work.
  - Assisting in obtaining data, reports, and other information needed by the committee, either on a regular basis or upon request
  - Providing technical expertise related to the work of the committee
  - Advising the committee as to the most operationally sound and effective strategies for interacting with the Grantee on specific tasks and activities
  - Providing other “content” advice and support as needed

7. **Meetings:** Each committee follows an annual meeting schedule for the same day of the month and time of day (e.g. 1<sup>st</sup> Tuesday of each month from 4:30-6:30 PM; 2<sup>nd</sup> Thursday of each month from 10:30 AM - 12:30 PM). Committee meetings are published in the master Planning Council Calendar of meeting and event first distributed in January and distributed (with any approved changes) each month throughout the year.

**Meetings are not to be canceled or rescheduled without prior approval.**

- **Meeting Cancellation:** The Chair must notify and secure the approval of the PC Chair or Community Co-Chair, and copy the Support Contractor and PC Staff, of intent to cancel a meeting to ensure that the meeting is not needed to meet a PC deadline during that particular month.
- **Meeting Date Changes:** The Chair must notify and secure the approval of the PC Chair or Community Co-Chair, and copy the Support Contractor and PC Staff, of intent to reschedule a meeting. Upon receipt of any such request and before it is approved, the following facts must be verified (1) meeting room availability on the new date; HAHSTA staff availability on the new date; Support Contractor and PC Staff availability on the new date. If, and only if, all arrangements for the new date are confirmed, the new date will be announced.
- To ensure optimal member attendance, Committees are encouraged to maintain continuity of meeting days and times and only reschedule under extreme circumstances. Schedule changes often create problems for schedules of members, staff and meeting rooms. Any such changes should be requested at least two weeks in advance.
- Committees whose members include a high proportion of consumers or affected community members meet at times that encourage community participation.
- Meeting locations must be accessible to individuals with disabilities.

8. **Meeting Reminder notice:** The Support Contractor sends out meeting reminder notices for committee meetings by e-mail or mail (for those who lack email access) at least five (5) working days before the meeting. The meeting reminder notice is to be accompanied by the Meeting Agenda, Minutes for the previous meeting, and materials for the meeting.

9. **Planning Council Calendar:** Meeting dates, times, and locations for committees are included in the Planning Council’s official calendar and posted on the Planning Council website. Updated calendars (for the balance of the year) are distributed at monthly committee and Planning Council meetings and via email with the meeting materials for each meeting.

10. **Email distribution lists:** Meeting notices and meeting materials for Planning Council, standing committee and consumer/PLWHA committees are distributed via email to Planning Council members, named committee members and individuals who have requested inclusion on such lists.

11. **Meeting Agenda:** The Committee Chair is responsible for creating the Agenda for each meeting and including **specific** information about subjects and tasks to be addressed at the particular meeting. The “generic” or “skeleton” agenda is not acceptable except in dire emergencies. Members deserve to know what to expect and to be given the chance to arrive prepared.

- The **First Draft of the Agenda** is to be provided to the Support Contractor staff and the Planning Council Staff at HAHSTA **no later than fourteen (14) working days prior to the meeting date**. This enables the Support Contractor and PC Staff to assist in assembling needed meeting materials.
- The **Final Draft of the Agenda** is to be provided to the Support Contractor staff and the Planning Council Staff at HAHSTA **no later than seven (7) working days prior to the meeting date**. This enables the Agenda to be attached to the meeting reminder notice sent five (5) working days in advance of the meeting.

If the Agendas are not received by the Support Contractor Planning Council staff on schedule, the Chair will be contacted for immediate action. If the Agenda is not submitted within 24 hours thereafter, the Planning Council Chair or Community Co-Chair will be involved to remedy the situation.

12. **Meeting Materials:** The Committee Chair is responsible for identifying the materials that are needed for each committee meeting. The Chair is to be given full support by the Planning Council Staff at HAHSTA and, as needed, the Support Contractor in creating or securing the needed materials.

- **Requests for assistance in developing materials** should be made **no later than fourteen (14) working days prior to the meeting date**.
- **Meeting materials are to be finalized no later than seven (7) working days prior to the meeting date**
- **Meeting materials are to be attached to the meeting reminder notice sent five (5) working days in advance of the meeting.** Advance distribution allows members to read and understand the materials and creates more effective informed work at the meeting. This timing also allows ample time for copying and assembly of member packets for use at the actual meeting.

If the request for assistance with and delivery of final meeting materials are not received by the Support Contractor Planning Council staff on schedule, the Chair will be contacted for immediate action. If the request for assistance with and delivery of final meeting materials is not submitted within 24 hours thereafter, the Planning Council Chair or Community Co-Chair will be involved to remedy the situation.

13. **Quorum:** The quorum for a committee is a majority of current members. Committees may hold discussions or “work sessions” without a quorum. A quorum is required to the committee to make formal motions or recommendations to the Executive Committee or Planning Council.

14. **RSVPs:** Committee members are expected to RSVP in response to meeting reminder notices (using the mechanism provided in the body of the reminder notice) **no less than 48 hours before the scheduled start of the meeting**.

- **Conference Call Participation:** The RSVP should give notice of intent to participate by conference call if applicable.
- **Excused Absence:** The RSVP is not an acceptable method for requesting an excused absence. All requests for excused absences must be made via the Excused Absence Form and submitted in the manner prescribed on the form.
- In event of unpredictable events/ emergencies, RSVP’s, notice of conference call participation and requests for excused absences should be made at the earliest possible time.
- Requests for Excused Absences following the event must be received no later than two weeks after the meeting.
- No less than 48 hours before the meeting, the Support Contractor member will inform the Committee Chair whether or not it appears there will be a quorum for the meeting.

15. **Conference Call Participation:** Effective meetings depend upon members being present to participate in person. To receive credit for meeting attendance, members may participate in meetings via telephone conference call a maximum of two (2) times per year, unless an exception is made by the PC Chair or Co-Chair and confirmed in writing (to Membership Committee, Support Contractor, PC Staff at HAHSTA). Notice of intent to participate via telephone conference must be provided to the Support Contractor no less than 48 hours prior to the meeting start time. This notice ensures that arrangements for the conference call are

adequate to accommodate the anticipated number of participants. The Support Contractor is responsible for all arrangements related to recording meetings and conference calls.

16. **Committee Procedures:** Committees conduct their meetings in compliance with Planning Council Bylaws, DC open meetings laws, the requirements specified by DC Boards and Commissions, and the committee's protocols. All meetings are open to the public. The exceptions to this policy are PLWHA and Consumer Access Committee meetings that are open only to HIV infected or affected persons (guests may attend with advance approval by and notice to the groups) and executive sessions (convened for matters related to specific individuals, Membership Committee applicant interviews, etc). The Committee Chair ensures that meetings follow established procedures and are conducted in an orderly manner. Committee meetings that are primarily working sessions may be run informally, with decisions made by consensus. The Committee Chair decides when to use *Robert's Rules of Order* and formal motions.

17. **Minutes:** Committee minutes are to be prepared by the Support Contractor and submitted to the Committee Chair five (5) working days after the meeting. Committee minutes are used at the Executive Committee meeting (normally the third Thursday of the month) and at the full Planning Council meeting (normally the last Thursday of the month) in conjunction with the report presented at each by the Committee Chair.

Minutes are prepared by the Support Contractor, reviewed/edited by the Committee Chair (or, in his/her absence, the Co-Chair), and sent out with notice of the next meeting. The committee approves minutes for the previous month's meeting at the next committee meeting.

Minutes from the Support Contractor and the Chair's edited version are to be forwarded to the Planning Council Staff at HAHSTA to assist in formulating the Agenda for meetings of the Executive Committee and the full Planning Council as well as to assist in planning the next committee meeting. If minutes are not available in time for Executive Committee, the Support Contractor should highlight the Action Items and Motions requiring Executive Committee attention and work with the committee chair to do whatever is needed to move them forward in a timely manner.

**Minutes follow a consistent format and level of detail that includes:**

- Attendance at the meeting, including excused and unexcused absences,
- An annotated presentation based on the Agenda that summarizes discussions and actions taken especially motions. Names are only required for motions and tasks assigned. Speakers, consultants and other non-committee members contributing to the meeting and its work should be named.
- Recommendations, action items and motions forwarded to the Executive Committee and the full Planning Council.
- Documents produced or reviewed in the meeting and cited in the minutes should be attached.

15. **Subcommittees and Ad Hoc Working Groups:** It is the intent of the Planning Council to limit the number of subcommittees or ad hoc working groups that hold formal meetings.

- A **subcommittee** that requires formal meetings is expected to follow the protocols set forth in this document as well as those of the Standing Committee with which the group is working.
- **Ad Hoc Working Groups or other temporary entities** are established to carry out more limited tasks and usually include a relatively small number of people. Such groups will work in whatever manner they deem most appropriate for fulfilling their mission that may include obtaining information or doing other research and reporting back to the committee, where the topic will be discussed in detail.

The Chair of any committee that expects to have a subcommittee or ad hoc working group that requires

formal meetings and support must give adequate advance notice and confer with the PC Chair or Co-Chair to ensure that funds are available in the Operating Budget and that, if such is needed, assistance from the Support Contractor and/or PC Staff at HAHSTA can be provided.

## APPENDIX 1: Timeline for Submitting-Distributing Meeting Materials Related to Standing Committee Protocols

Effective June 2012

ACTION	RESPONSIBLE PARTY	DUE DATE	RECIPIENT
<b>Committee Meeting Minutes</b>	PC Support Contractor	15 working days before meeting	Committee Chair PC Staff **
<b>Committee Meeting Agenda (First Draft)</b>	Committee Chair	14 working days before meeting	PC Support Contractor * PC Staff **
<b>Request for Assistance with Meeting Materials</b>	Committee Chair	14 working days before meeting	PC Support Contractor * PC Staff **
<b>Reminder of Material Due Date to Committee Chair</b>	PC Staff	10 working days before meeting	Committee Chair
<b>Committee Meeting Materials including Final Agenda</b>	Committee Chair	7 working days before meeting	PC Support Contractor * PC Staff **
<b>Committee Meeting Reminder (with Agenda &amp; Materials)</b>	PC Support Contractor	5 working days before meeting	Committee Members PC Staff **
<b>Member RSVP</b>	Committee Member	48 hours before meeting	PC Support Contractor *
<b>Request for Conference Call participation</b>	Committee member	48 hours before meeting	PC Support Contractor * PC Staff **
<b>Committee Meeting Minutes</b>	PC Support Contractor	5 working days after meeting	Committee Chair PC Staff **

\* SHarris@baziliocobb.com; AWhitaker@baziliocobb.com; weatherspoono@baziliocobb.com;  
jhargrove@baziliocobb.com; SNewman@baziliocobb.com

\*\* Donald.babb@dc.gov

Committee	Chair	E-Mail
Executive	Steve Bailous Mark Fischer	Stephenbailous@gmail.com; fischerwdc@gmail.com
Financial Oversight & Allocations	Xavier Hixon	oxhixon@upo.org
Care Strategy, Coordination & Standards	Pat Hawkins	drphawkins@gmail.com
Needs Assessment & Comprehensive Planning	Nicolette Solan-Pegler	nicolette.solan-pegler@maryland.gov; eclecnic@aol.com
Membership	Barbara Chinn	barbara.chinn@aidhealth.org bachinn@comcast.net
Bylaws, Policies & Procedures	Mark Fischer	fischerwdc@gmail.com

Consumer Access	Geno Dunnington	genondc@yahoo.com
DC PWA	Geno Dunnington / Debra Frazier (co-chair)	genondc@yahoo.com
MD PWA	Maureen Deely	Maureen.Deely@montgomerycountymd.gov
VA PWA	Robert Smith Keith Callahan (co- chair)	esmith9623@aol.com keith200781@yahoo.com

**METROPOLITAN WASHINGTON REGIONAL  
RYAN WHITE PLANNING COUNCIL**

**BYLAWS**

**APPENDIX D: Conflict of Interest Policy**

# METROPOLITAN WASHINGTON REGIONAL RYAN WHITE PLANNING COUNCIL

## CONFLICT OF INTEREST POLICY & PROCEDURES (Adopted by Planning Council 11-20-08; Updated 04-18-2012)

*"The Planning Council is bound by the Legislative requirements of Ryan White HIV/AIDS Treatment Extension Act of 2009 ("CARE Act") Part A which expressly prohibits Planning Council participation in the selection of specific entities to receive Part A funding, or in the management of provider contracts."*

**Conflict of interest** is defined by the Planning Council Bylaws as *"an interest by a planning council member in an action that may result in personal, organizational, or professional gain."* The conflict of interest may be actual or perceived. Therefore, any council member who is affiliated with or who has a family member affiliated with an agency receiving or competing for Part A funds in a specific service category may not participate in decisions involving that service category. The affiliated member may not initiate discussion, introduce a motion or vote on the setting of service priorities, allocation of resources, or development of directives related to that service category.

- **"Affiliated"** is defined as being an employee, paid consultant, contractor, officer or board member, or a volunteer (20 or more hours per week) for an agency receiving or competing for Part A funds in a specific service category .
- **"Family member"** is defined as spouse, partner, mother, father, child, or sibling. Being a client of a provider is not considered a conflict of interest.

**Management of Conflict of Interest:** The Planning Council manages conflict of interest by requiring members to abide by the conflict of interest standards described in the Bylaws and to the guidelines for the management of conflict of interest described below.

4. Each Planning Council member must file a new or updated Conflict of Interest Disclosure Form by March 1<sup>st</sup> of each year. Those with no conflict of interest must prepare a form with the notation "NONE", sign, date and submit said form. Planning Council members will be able to submit the required form at the February Planning Council meeting immediately before the March 1<sup>st</sup> deadline. Members absent from that meeting will be responsible for completing and filing a form on or before the deadline.
5. Forms are to be submitted to the Planning Council Coordinator at HAHSTA. The Coordinator will ensure proper distribution of each form to (1) the Office of Boards and Commissions in the Executive Office of the Mayor of the District of Columbia, CEO of the EMA; (2) the Planning Council Logistics Coordinator; (3) Planning Council Chair and Community Co-Chair; (4) the Administrative Agent for the member's applicable jurisdiction. In each instance, copies of the member's declaration(s) are to be retained in the member's file.
6. If the member's affiliation changes, the member must submit a revised declaration form within 30 days of the effective date of the change.
7. Conflict of interest is to be addressed at new member orientation and as part of any ongoing member development. New members are to complete, sign and submit Conflict of Interest Disclosure Form during their orientation session.
8. At the beginning of each meeting of the Planning Council, the Chair or Community Co-Chair presiding shall direct each member to (1) state his/her name; (2) identify his/her Planning Council membership category and position, if any; (3) and state whether he/she does or does not have a conflict of interest.

9. Any affiliated member with a potential conflict of interest must verbally disclose such at the beginning of any affected discussion.
10. Upon disclosure of his/her affiliation and conflict of interest(s), the Planning Council member may engage in discussion of issues pertinent to the types of services provided by his/her agency but must comply with the limitations imposed and specified below.
11. An affiliated Planning Council member may not make or second a motion on issues directly related to services provided by the agency with which he/she is affiliated
12. An affiliated Planning Council member may not vote on issues directly related to services provided by the agency with which he/she is affiliated.
13. During priority setting, resource allocation, directive formulation, or reallocation of funds, an affiliated Planning Council member may not initiate discussion about service category(ies) in which they have a conflict of interest.
14. During priority setting, resource allocation, directive formulation, or reallocation of funds, an affiliated Planning Council member may not vote on a motions involving a service category(ies) in which they have a conflict of interest.
15. During priority setting or resource allocation, an affiliated Planning Council member may vote on a slate of priorities or allocations that includes multiple service categories even if they have a conflict of interest with one or more, but not all, of the grouped categories.
16. The obligations of Planning Council members under the Conflict of Interest Policy shall extend to any discussions with other Planning Council Members regardless of location.
17. Any perceived violation of the Planning Council's Conflict of Interest Policy and Procedures is to be addressed and resolved using the Planning Council's Grievance Policy and Procedures.

**METROPOLITAN WASHINGTON REGIONAL  
RYAN WHITE PLANNING COUNCIL**

**BYLAWS**

**APPENDIX E: Expense Reimbursement Policy**

# METROPOLITAN WASHINGTON REGIONAL RYAN WHITE PLANNING COUNCIL

## **Expense Reimbursement Policy for Planning Council Members**

*(Adopted 02-26-09 to be Effective beginning March 1, 2009; Updated May 18, 2012)*

### **Intent of Policy as explained in Regulations & Guidance**

*“One of the greatest obstacles to PLWH involvement in planning councils is the financial cost of participation. Costs of attending planning council meetings may involve transportation, child or partner care, and meals. Additional expenses may include sending and receiving faxes, making telephone calls, preparing materials, and accessing the Internet. These expenses can present a problem for PLWH on disability or with very limited incomes, and for PLWH who do not have jobs that provide them access to office equipment and supplies”. SOURCE: HIV-AIDS Bureau - Ryan White CARE Act Title I Manual Section VI, Chapter 4 - PLWH-Consumer Participation*

### **Policy**

The Expense Reimbursement Policy of the Metropolitan Washington Ryan White Planning Council exists, first and foremost, to remove financial barriers to participation that would preclude unaffiliated PLWH and other community members on fixed or limited incomes from participating in and contributing to the work of the Council. Affiliated PLWH and other members associated with organizations are expected to rely primarily upon their respective groups for reimbursement and support, and turn to the Planning Council only after those avenues are exhausted.

Members are reminded that, as always, Ryan White funds are to be the payer of last resort.

### **Procedures**

#### **1. Member Eligibility:**

In accordance with applicable law and Planning Council Bylaws, only appointed and sworn Planning Council members are eligible for reimbursement of expenses.

Unaffiliated PLWH Planning Council members are eligible to request reimbursement for certain Council-related expenses. When circumstances merit, low-income affiliated PLWH Planning Council members and unaffiliated non-PLWH Planning Council members may be eligible to request reimbursement.

#### **2. Eligible Expenses:**

Reimbursement can be provided for reasonable and necessary out-of-pocket expenses that are incurred solely as a result of preparing for or participating in activities sponsored by the Planning Council and that are not reimbursable through other funding sources. To be eligible for reimbursement, expenses must be incurred in keeping with specific criteria established by the Planning Council as well as HRSA and HAB guidelines for Ryan White Part A.

Expenses that may be eligible for reimbursement include but are not limited to:

- a. Transportation
- b. Parking

- c. Child care expenses
- d. Lost wages
- e. Internet access fees
- f. Computer ink or paper
- g. Photocopying charges
- h. Meals
- i. Long distance telephone charges

**Specifically Not Reimbursable:** Expenses related to cell phones are not reimbursable

### 3. Local Travel and Transportation Assistance

- a. Transportation assistance is limited to travel within the EMA solely to participate in meetings or activities sponsored by the Planning Council or community events at which participation supports PC goals and is related to the member's PC responsibilities.
- b. The mode of transportation selected must take into account cost, time, and the member's needs and preferences.  
Reimbursable travel via member's personal vehicle is reimbursable at the prevailing GSA rate which is currently (as of 01/01/09) \$0.55 per mile.  
[http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=9646&contentType=GSA\\_BASIC](http://www.gsa.gov/Portal/gsa/ep/contentView.do?contentId=9646&contentType=GSA_BASIC)
- c. For mileage reimbursement, members must provide a required information on the standard travel reimbursement form (date, from/to locations, miles traveled, meeting or event including purpose if unclear.

### 4. Parking

- a. The Planning Council provides reimbursement for parking costs necessary to attend meetings or activities sponsored by the Council or community events at which participation supports PC goals and is related to the member's PC responsibilities.
- a. A dated receipt must accompany requests for parking reimbursement.

### 5. Child Care Expenses

- a. Reimbursement is permitted for the actual costs at rates considered reasonable and customary paid for the care of a dependent child.
- b. As a point of reference from which to begin, the DC **minimum** wage is \$7.55 per hour effective July 24, 2008.
- c. Reimbursement cannot be made for payment to a relative or family member.
- b. A dated receipt must accompany requests for child care reimbursement.

### 6. Lost Wages:

- a. Reimbursement is permitted for the actual loss of wages from a job held by the Planning Council member.
- b. Documentation from the employers verifying wages lost must be submitted with the request for reimbursement.

### 7. Internet Access Fees:

If a Planning Council member has no access to the internet other than through a personal residential account

- a. Reimbursement is permitted for a prorated portion of monthly internet access fees inclusive of applicable federal, state and local taxes and fees.
- b. The reimbursable prorated amount must be commensurate with the member's role and work load on the Planning Council. That is, the reimbursable percentage for the Chair and Community Co-Chair would be the highest followed closely by the acceptable percentage for Committee Chairs who are also Executive Committee members. Other members may qualify for partial reimbursement at a lesser percentage but are expected to support their requests with reasonable justification.

- c. Requests for reimbursement must be supported by the actual monthly bill or statement showing the fees and taxes that are the basis of the request.

**8. Computer Supplies:**

- a. Through its Logistical Contractor and the Planning Council Coordinator, the Planning makes printed copies of all materials available to all members. Special requests for documents are fulfilled in a timely manner especially if the requesting party gives reasonable advance notice.
- b. As a result, the need for Council leadership or members to use personal supplies such as paper and ink is minimal.
- c. A member who believes it necessary to use personal supplies of this type and wishes to be reimbursed should seek pre-authorization from the Chair or Community Co-Chair.

**9. Photocopying Charges:**

- a. Planning Council members are expected to plan ahead and utilize photocopying capabilities available from the Logistical Contractor or through the Planning Council Coordinator.
- b. Under exceptional circumstances, reimbursement for costs paid to a commercial source will be permitted.
- c. An official receipt with identifying detail must be submitted with the request for reimbursement.

**10. Meals:**

- a. Reimbursement is permitted for the cost paid by a member of the Planning Council for a meal during meetings of the Planning Council or its committees that are held over mealtime but for which no food is provided.
- b. The reimbursable amount shall be the actual cost but no more than the following
  - 1. Breakfast \$ 5.00
  - 2. Lunch \$ 7.00
  - 3. ++Dinner \$10.00
- c. A receipt must accompany the reimbursement request

**11. Long Distance Telephone Charges**

- a. Reimbursement is permitted for the actual cost long distance calls inclusive of applicable federal, state and local taxes and fees made by a member of the Planning Council using personal residential service.
- b. Itemized documentation in the form of a monthly telephone bill with line item call-by-call detail is to be provided
- c. For each call an explanation including the name of the person called, affiliation of the person, and connection to PC business must be provided

**12. Other expenses:**

- a. Members may be reimbursed for other reasonable expenses incurred solely as a result of preparing for a meeting or activity sponsored by the Planning Council.
- b. Council members are responsible for confirming the eligibility of expenses not expressly mentioned in this section prior to expending the funds. Failure to do so could result in the reimbursement request being denied.

## **Administrative Process**

- 1. Council members are responsible for confirming their eligibility for reimbursement with the Logistics Contractor prior to incurring expenses. Any disputes are to be brought to the Bylaws, Policies and Procedures Committee Chair.

2. Members must complete a Request for Reimbursement Form in order to receive reimbursement. Forms are available from Logistics Contractor.
3. In accordance with the "Procedures" detailed above, members must itemize expenses, attach appropriate receipts, and provide any necessary written explanation. Incomplete forms will not be processed.
4. Reimbursement requests for transportation, parking and mileage are due to the Logistics Contractor's staff at the meeting or event involved.
5. Reimbursement requests for all other allowable expenses are to submitted to the Logistics Contractor as incurred throughout the month but no later than at the full Planning Council Meeting in the meeting during which they were incurred. Such meetings are normally held on the 4<sup>th</sup> Thursday of the month.
6. Logistics Contractor may request additional information needed to process a request.
7. Logistics Contractor reviews and processes the request in a timely manner.
8. For reimbursement requests submitted by the deadlines identified above and with required documentation, Planning Council members will receive reimbursement payments between the 15<sup>th</sup> day of the month and no later than at the full Planning Council Meeting in the month following the month in which the expenses were incurred.
9. Each month, the Logistics Contractor provides the Executive Committee and Financial Oversight and Allocations Committee with a summary of the prior month's reimbursements by category with the amount for each but without member names.

**Metropolitan Washington Regional Ryan White Planning Council**  
**Reimbursement Policy for Non-Member PLWH/As and Caregivers**  
**Who Participate in Planning Council Committees**  
*Approved by PC on May 26, 2011; Updated May 18, 2012*

**Purpose**

The Metropolitan Washington Regional Ryan White Planning Council strives to maximize community input, especially that provided by PLWH/As, into Planning Council information gathering and decision making. The Planning Council realizes that many PLWH/As have limited incomes. As a result, the cost of attending meetings often prevents participation.

HRSA guidelines for the expenditure of Ryan White funds are quite specific. Monies paid out as “expense reimbursement” must be connected to “participation” in Planning Council work. Meeting attendance alone or even making comments do not constitute “participation.”

To foster greater PLWH/A participation through expense reimbursement and adhere to HRSA guidelines, the Planning Council has developed this “Reimbursement Policy for Non-Member PWAs Who Participate in Planning Council Work.”

PWLWH/As are reminded that, as always, Ryan White funds are to be the payer of last resort.

**Non-Planning Council PLWH/A Eligibility for Reimbursement**

- 1. PLWH/As who are not appointed Planning Council members are eligible for reimbursement for participation in Standing Committees if they meet the following requirements:**
  - a. They provide proof residency within the EMA (see “Administrative Process” for specifics.)
  - b. They apply for and are accepted as a member of a Standing Committee..
  - c. They agree to comply with applicable Planning Council policies and procedures.
  - d. They attend and participate in at least two-thirds of the committee meetings.
  
- 2. PLWH/As who are not appointed Planning Council members are eligible for reimbursement for participation in Consumer Access and/or Jurisdictional PWA Committee if they meet the following requirements:**
  - a. They provide proof of residency within the EMA
  - b. They complete the required Reimbursement Form and supply any required receipts for each meeting. For two sequential meetings on the same day and in the same place, reimbursement will be made for only one roundtrip.
  - c. If attendance at a given meeting exceeds the maximum number of reimbursements budgeted, reimbursement will be made on a first come, first served basis.

**3. Maximum Number of Reimbursements**

<b>CONSUMER ACCESS OR PWA COMMITTEE</b>	<b>Minimum # of PC Members</b>	<b>Non-PC PWA Members</b>	<b>Non-PC Community Members</b>	<b>Total # of Reimbursements per Meeting</b>
<b>Consumer Access</b>	<b>At least 5</b>	<b>50</b>	<b>PLWH/A Only</b>	<b>50</b>
<b>Washington, DC PWA</b>	<b>At least 5</b>	<b>25</b>	<b>PLWH/A Only</b>	<b>25</b>
<b>Suburban Maryland PWA</b>	<b>At least 5</b>	<b>25</b>	<b>PLWH/A Only</b>	<b>25</b>
<b>Northern Virginia PWA</b>	<b>At least 5</b>	<b>25</b>	<b>PLWH/A Only</b>	<b>25</b>

## Reimbursable Expenses:

### 4. Local Travel and Transportation Assistance

- d. Transportation assistance is limited to travel within the EMA solely to participate in meetings or activities sponsored by the Planning Council or community events at which participation supports PC goals and is related to the member's PC responsibilities.
- e. The mode of transportation selected must take into account cost, time, and the member's needs and preferences. Reimbursable travel via member's personal vehicle is reimbursable at the prevailing GSA rate which is currently (as of 01/01/10) \$0.50 per mile. If multiple riders travel together in one vehicle, only the driver of the vehicle is eligible to request reimbursement.
- f. For mileage reimbursement, members must provide a required information on the standard travel reimbursement form (date, from/to locations, miles traveled, meeting or event including purpose if unclear. In addition, once per year, each person requesting mileage-based reimbursement must submit the following documentation (1) valid driver's license; (2) current vehicle registration in the name of the individual requesting reimbursement and with an address within the EMA that matches the address on the driver's license. Copies of these documents will be kept on file.
- g. Reimbursement via Metro Bus, Metro Rail and taxi are also reimbursable based upon costs incurred and presented on the appropriate expense reimbursement form.

### 2. Parking

- b. The Planning Council provides reimbursement for parking costs necessary to attend meetings or activities sponsored by the Council or community events at which participation supports PC goals and is related to the member's PC responsibilities.
- c. A dated receipt must accompany requests for parking reimbursement.

## Administrative Process

- 10. Each individual seeking reimbursement under this policy, once a year, must submit proof of residency within the EMA. Proof of residency will be established with the following (1) valid driver's license or government-issued photo ID, AND; (2) the most recent bill from any utility company OR a current lease OR a landlord's letter written on company/building letterhead confirming residency. In the absence of the above named documents, a letter from a case manager or shelter manager attesting to the residency of the individual shall be considered acceptable proof. Copies of these documents will be kept on file.
- 11. Members must complete a Request for Reimbursement Form in order to receive reimbursement. Forms are available from PC Support Staff.
- 12. In accordance with the "Procedures" detailed above, members must itemize expenses, attach appropriate receipts, and provide any necessary written explanation. Incomplete forms will not be processed.
- 13. Reimbursement requests for transportation, parking and mileage are due to the Logistics Contractor's staff at the meeting or event involved.
- 14. For reimbursement requests submitted by the deadlines identified above and with required documentation, Planning Council members will receive reimbursement payments between the 15<sup>th</sup> day of the month and no later than at the full Planning Council Meeting in the month following the month in which the expenses were incurred.

**METROPOLITAN WASHINGTON REGIONAL  
RYAN WHITE PLANNING COUNCIL**

**BYLAWS**

**APPENDIX F: Grievance Policy & Procedure**

# **Metropolitan Washington Regional Ryan White Planning Council Grievance Policy and Procedures**

(Adopted by Planning Council 10-30-2008; Updated 05-18-2012)

## **Section 1 – Legislative Requirements**

These grievance procedures are designed to meet the following legislative requirements: Section 2602 (b)(6) of the Ryan White Treatment Modernization Act of 2006 requires Planning Councils to develop procedures for addressing grievances with respect to funding, including procedures for submitting grievances that cannot be resolved to binding arbitration. The legislation requires that these procedures be made a part of the Bylaws of the Planning Council and be consistent with model grievance procedures developed by HRSA. HRSA expects Planning Council and grantee grievance procedures to be coordinated.

These grievance procedures cover Planning Council actions with regard to Part A funding for the jurisdictions included in the Metropolitan Washington Part A Eligible Metropolitan Area (EMA), which include the following:

- The District of Columbia
- Charles, Calvert, Frederick, Montgomery, and Prince George's Counties in Suburban Maryland
- Arlington, Clarke, Culpeper, Fairfax, Fauquier, King George, Loudon, Prince William, Spotsylvania, Stafford, and Warren Counties and Alexandria, Fairfax, Falls Church, Fredericksburg, Manassas, and Manassas Park cities in Northern Virginia
- Berkeley and Jefferson Counties in West Virginia

## **Section 2 – Definitions**

Definitions used in these procedures are provided in Attachment A.

## **Section 3 – Purpose**

The Council's grievance policy is designed to provide a process that:

- A. Enables eligible individuals or entities to exercise their rights to file an informal complaint or a formal grievance with regard to specific Planning Council policies and procedures and their implementation,
- B. Prevents avoidable grievances and resolves complaints at the informal level whenever possible,
- C. Ensures that each complaint or grievance is addressed and resolved fairly and quickly, and
- D. Meets HRSA requirements and represents sound practice for a Part A EMA.

## **Section 4 – Who May File a Grievance**

Entities and individuals within the EMA who are directly affected by the outcome of a decision related to covered Planning Council policies and processes ("affected parties") are eligible to file a grievance. This may include:

- A. Providers of HIV-related services that are eligible to receive Ryan White Part A funds
- B. Consumer groups and PLWH coalitions and caucuses
- C. Individual PLWH who are eligible to receive Ryan White Part A services or their caregivers
- D. Members of the Planning Council

## **Section 5 – Eligible Grievances**

Directly affected parties may file a grievance with regard to either of the following:

- A. Deviations from the Council's established, written priority setting or resource allocation (PSRA) processes and related policies, and
- B. Deviations from an established, written process for any subsequent changes to priorities or allocations.

This includes deviations from other Council policies and procedures, such as conflict of interest policies and procedures, during the PSRA process. It also includes any deviations from Bylaws-stated membership representation requirements, for example, if members who do not fit their stated membership category are participating in Council PSRA or reallocation decisions.

### **Section 6 – Prospective Implementation of Settlements**

Any settlement reached through mediation or arbitration shall involve prospective (future) change. It shall not require reversal of priorities or categorical allocations made during the process that is being grieved. For example, if a mediation or arbitration agreement specifies that a Council policy, process, or procedure should be revised, the revision shall be made and then applied in future decision making.

### **Section 7 – Dispute Prevention and Early Resolution**

- A. The Planning Council recognizes that the best way to deal with grievances is to prevent them. The Council shall make all reasonable efforts to prevent circumstances or situations regarding the priority setting or resource allocation processes that could give rise to a grievance.
- B. Dispute prevention efforts shall include at least the following:
  - 1. Annual review and updating of priority setting and resource allocations (PSRA) procedures and related policies and procedures.
  - 2. Use of clear written PSRA and related policies that describe how decisions are made and are available to both Planning Council members and affected parties.
  - 3. Training for new Planning Council members and refresher training for all Council members prior to the PSRA process each year, to ensure that they understand and are prepared to follow PSRA and other Council policies and procedures.
  - 4. Presentation of the process at the beginning of the PSRA or reallocations process, along with related policies, especially Conflict of Interest, to ensure understanding of how they apply to and during the process.
  - 5. Identification at the beginning of the process of those Council members that have met any training or data presentation participation requirements and are eligible to participate in the decision-making process, and exclusion of any members who have not met these requirements.
  - 6. Because recommendations for priorities and allocations are developed separately by each major jurisdiction within the EMA (District of Columbia, Northern Virginia, suburban Maryland, and West Virginia counties), use of clear written procedures, training, and enforcement to ensure that the approved procedures are followed by each jurisdiction in developing recommended priorities and allocations for submission to the Planning Council.

7. Clear instructions to Council members to ensure that if, during the PSRA or other decision-making process, they believe adopted policies and procedure are not being followed, they respectfully but immediately bring their concern to the attention of a Co-Chair or other officer.
  8. Specific opportunities for interested parties to provide feedback on ways the decision-making process, including jurisdictional and Planning Council parts of that process, can be improved in future years.
- C. When potential grievances arise, first steps shall involve informal conflict resolution efforts before the concern becomes a grievance. When a grievance is filed, the initial approach will be non-binding negotiations. For cases that cannot be resolved in this manner, subsequent steps shall be undertaken, with binding arbitration as a last resort.
- D. Early intervention efforts to prevent formal grievances shall be handled as follows:
1. The Community Co-Chair shall serve as the Council's designated point of contact for an affected party with concerns about PSRA or related processes that might become a grievance. An affected party that appears to have standing to file a grievance and has concerns regarding adherence to established, written processes that are covered by these grievance procedures shall be encouraged to express these concerns at the earliest opportunity to the Council Community Co-Chair directly or through the Planning Council support staff.
  2. In order for the informal process to have time to work, the affected party must make contact with the Planning Council support staff or Community Co-Chair directly within ten (10) working days after the disputed situation occurred.
  3. In any situation where the Community Co-Chair has a real or perceived conflict of interest or inability to play a neutral role, the Chair will designate another Executive Committee member without such a conflict to handle that situation. The designee will carry out the tasks as described below in place of the Community Co-Chair.
  4. The Community Co-Chair will log all such contacts and discussions, recording the date, affected party name and contact information, concerns expressed, and the date of the event that led to the concerns.
  5. The Community Co-Chair will meet with the affected party to review the expressed concerns. The discussion will occur within five (5) working days after the concerns are brought to the Community Co-Chair or staff. S/he will explain the procedures used and the rationale for the decision in question, and will provide other information as appropriate. The Community Co-Chair may involve the Chair or other Executive Committee members as needed. Where possible, the concerns will be resolved through this discussion. The Community Co-Chair may not make commitments that require Planning Council approval, but may agree to bring concerns to the Planning Council or the appropriate committee and will summarize the discussion in writing and provide the report to the Chair and to Planning Council support staff for the files.
  6. If these efforts do not resolve the concerns, the Community Co-Chair will ensure that the affected party receives written information about the grievance process,

timeframes, and how to file a grievance in a timely fashion so that s/he is able to meet the deadline of filing a formal grievance within twenty (20) days after the meeting or action leading to the grievance.

### **Section 8 – Overview of Formal Grievance Process**

Formal grievances will be handled through the following steps, each of which may lead to a resolution. If that step is not successful, the grievant may move to the next step. The steps include:

- A. An internal review of the grievance and grievant to determine whether the grievance and grievant have standing under these procedures,
- B. An internal hearing to explore the facts and seek resolution,
- C. Non-binding mediation, and
- D. Binding arbitration.

### **Section 9 – Filing a Grievance**

- A. The affected party must submit a written Grievance Intake Form within ten (10) working days after the end of the attempt at informal dispute resolution, or, if no informal discussion is attempted, within twenty (20) working days after the event on which the grievance is based. If new information, not previously available to the grievant, comes to light after the 20 business day limit but within no more than 120 business days (180 calendar days), an filing deadline may be extended on a case-by-case basis at the discretion of the Chair of the Bylaws, Policies and Procedures Committee. (The form is provided in Attachment 2.) If no Grievance Intake Form is submitted within the time limits stated above, the affected party will forfeit the right to file a grievance.

The completed form may be submitted to the Planning Council staff offices by U.S. mail with return receipt requested, electronic mail (with electronic signature), fax, or personal delivery during normal working hours. Planning Council staff will answer questions about the process and intake form, log in the grievance, and within two (2) working days after receipt will inform the grievant that the grievance has been received and provide a written summary of the grievance process, including steps, forms, and timelines.

- B. Planning Council support staff will provide copies of the grievance to the Co-Chairs and the Chair of the Bylaws, Policies and Procedures Committee within two (2) working days after receipt.

### **Section 10 – Internal Review and Hearing**

- A. The Chair and Community Co-Chair shall review the grievance with the Chair of the Bylaws, Policies and Procedures Committee within three (3) working days after receiving the grievance, to determine whether the affected party is an eligible grievant and whether the situation described represents an eligible grievance.
- B. If any of these individuals has a conflict of interest with regard to the situation, other members of the Executive Committee shall replace them in this process. If necessary, one or more other Council members shall be identified to serve this function.
- C. The grievant will be informed of the decision within two (2) working days after the decision about standing is made.
  1. If the grievance is rejected, the letter must explain the reasons for the rejection and inform the grievant that s/he has ten (10) days after the date of the letter of rejection to contact Planning Council staff to appeal the decision.
  2. If the grievant and grievance are determined to have standing, or if the grievant files a notice of appeal, the Bylaws, Policies and Procedures Committee will establish a three-person panel to

review the merits of the grievances and attempt to resolve the grievance within five (5) working days after the decision about standing is made or after the appeal of the letter of rejection.

- D. The Grievance Review Panel shall consist of three Council members that have no conflict of interest or personal bias on this issue. The Chair of the Bylaws, Policies and Procedures Committee shall chair the Panel unless s/he has a conflict, in which case another member of the Executive Committee, or if necessary another Council member not on the Executive Committee, shall serve as Chair of the Panel.
- E. The Panel shall conduct a review of the circumstances and information available regarding the grievance and in most cases schedule a meeting at which the grievant shall have the opportunity to provide additional information beyond what is provided on the written grievance form and answer questions posed by the Panel as input to their decision making. The Panel will typically make its judgment regarding the grievance and how it should be resolved immediately after the meeting with the grievant. Approval by the Chair and Community Co-Chair or Executive Committee may be sought if necessary. This meeting and decision making shall occur within ten (10) working days after formation of the panel.
- F. The Chair of the Panel shall arrange for staff to send the recommended resolution to the grievant, by certified mail, within three (3) working days after the date of the review.
- G. If the grievant finds the report satisfactory, the grievant will indicate acceptance by signing one copy of the report and returning it to the staff.
- H. If the grievant's complaint is denied or if the grievant is not satisfied with the resolution in the report, the grievant may request formal non-binding mediation.

#### **Section 11– Non-Binding Mediation**

- A. The grievant shall have ten (10) working days from the date of receipt of the written report from the Panel to request mediation, using a Request for Non-Binding Mediation Form (See Attachment 3 for a copy of the form). The form may be delivered to the Planning Council support staff office via U.S. mail, return receipt requested, electronic mail (with electronic signature), fax, or personal delivery during normal working hours.
- B. If the Council does not receive a Request for Non-Binding Mediation Form from the grievant within ten (10) days, the grievant will waive all further rights to grieve the issue and all associated issues.
- C. Planning Council staff shall log in the request for mediation, and within two (2) working days after receipt, inform the grievant that the request has been received.
- D. The Council shall seek a mediator under contract to the District of Columbia Government. Within five (5) working days after receipt of the request for mediation, the Council staff shall provide the grievant the name of a neutral person who is skilled in mediation and lives in the EMA. This neutral person shall not have been involved with the decision that is the subject of the grievance and shall have no direct interest in the outcome of the grievance process. The grievant and the Council shall both have the opportunity to request a different mediator if the grievant or anyone involved in the prior review of the grievance is acquainted with the mediator or feels s/he is not neutral.
- E. Upon appointment, the mediator shall, within three (3) working days, contact the grievant and Chair of the Grievance Review Panel and agree on a day, time, and location of the initial mediation meeting. The Chair of the panel may represent the Council or may ask another member of the grievance review panel to represent the Council in the mediation. The mediation meeting shall be scheduled within ten (10) working days after this first contact with the mediator. The mediator shall review the written report and other information on the circumstances and information available regarding the grievance. The mediator may ask the two parties each to provide a brief memorandum setting forth its position with regard to the issue(s) that need to be resolved. The mediator may share the memorandum with the other party with the consent of the party that prepared the memorandum.
- F. The mediator will facilitate a meeting between the parties to assist them in obtaining a resolution of the grievance. If the grievance is resolved, the mediator will prepare, and both parties will indicate acceptance by signing, a statement of resolution. If the mediator is unable to help the parties reach

resolution or determines that an impasse has been reached, both parties will be so informed in writing. The written statement of resolution or impasse will be provided to the grievant and Council within five (5) working days after the mediation meeting.

- G. At this point either party may request binding arbitration, with the understanding that the decision of the arbitrator will be final and binding on both parties.

### **Section 12 – Binding Arbitration**

- A. The grievant may submit a Request for Binding Arbitration to the Planning Council staff (See Attachment 4 for a copy of the form). The completed form must be received by Council staff within ten (10) working days after the mediation ends. It may be submitted to the Council staff office in writing via U.S. mail, return receipt requested, electronic mail (with electronic signature), fax, or personal delivery during normal working hours. If the staff does not receive a written form requesting arbitration from the grievant within the specified period, the grievant will waive all further rights to grieve the situation.
- B. Planning Council staff shall log in the request for arbitration, and, within two (2) working days after receipt, shall inform the grievant and the Grievance Subcommittee Chair that the request has been received.
- C. Council staff shall request a neutral arbitrator through the source contracted by the District of Columbia Government or another reputable local source. The arbitration will be conducted in accordance with the standards of the American Arbitration Association (AAA). The source will provide the name of a disinterested person who is skilled in the process of arbitration to the Chair of the Grievance Review Panel for this grievance and the grievant within five (5) working days after the Request for Binding Arbitration Form is received. This neutral person shall have had no involvement in the process that is the subject of the grievance nor will s/he have any direct interest in the outcome of the grievance process. The grievant and the Council representative shall each approve the arbitrator or request a different arbitrator if the grievant or Council representative grievance is acquainted with the arbitrator or questions his/her selection.
- D. Once the arbitrator has been accepted by both parties, s/he shall within three (3) working days contact the grievant and the Chair of the Grievance Review Panel for this grievance and agree on the date, time, and location for an arbitration meeting. A meeting will be scheduled within fifteen (15) working days.
- E. The arbitrator will review correspondence, records, or documentation related to the process that is the subject of the grievance, including materials from the mediator. The arbitrator may ask the two parties to provide additional information related to the grievance.
- F. Within seven (7) working days after the arbitration meeting, the arbitrator will deliver to the grievant and the Council an arbitration summary and decision, signed by the arbitrator. This decision will resolve the grievance.
- G. Within three (3) days of receipt of the arbitrator's decision, all parties shall be required to sign one copy of the decision, which shall be binding on both parties.

### **Section 13 – Summary of Time Frames**

- A. An affected party shall have twenty (20) working days after the relevant Planning Council event or action in which to file a formal grievance related to that event or action. If the affected party chooses to first attempt informal resolution, this should be initiated within ten (10) working days after the event or action occurs.
- B. The grievant will have ten (10) working days to decide whether to move from each step of the grievance process to the next – from informal to formal grievance, from formal grievance to mediation, and from mediation to binding arbitration.
- C. The time frames for the grievance resolution process are summarized below.

1. **Grievance prevention and early intervention** – five (5) working days after a concern is raised with the Council Community Co-Chair,
  2. **Internal non-binding procedures** – seven (7) working days after the grievance is filed to determine whether the grievance has standing, and an additional eighteen (18) days for a grievance panel to hold a meeting and attempt to obtain a resolution of the grievance,
  3. **Non-binding mediation** – twenty-five (25) working days after the mediation request is received by the Planning Council to reach a resolution or an impasse, and
  4. **Binding arbitration** – thirty-five (35) days after the arbitration request form is received by the Planning Council to obtain a binding resolution from the arbitrator and communicate it to both parties in writing.
- D. Time frames identified in this procedure may be altered only through mutual agreement of both parties, provided in writing.

### **Section 14 – Costs**

The costs for grievances shall be as follows:

- A. There shall be no cost for an informal discussion or for filing a grievance that undergoes the internal review process.
- B. A fee of \$50 shall be charged for filing a Request for Non-Binding Mediation, to contribute to the cost of mediation.
- C. A fee of \$100 will be charged for filing a Request for Binding Arbitration, to contribute to the cost of arbitration.
- D. In exceptional circumstances, the Council may waive either or both fees.
- E. Both parties will be responsible for costs related to their own participation in the grievance resolution process, including costs related to any witnesses or documents they choose to bring forward.

### **Section 15 – Planning Council Action Following Resolution of Grievances**

Following any agreement reached regarding a grievance against the Planning Council, the Grievance Subcommittee Chair shall report to the Executive Committee and then to the full Council regarding the nature of the grievance and the settlement. This shall include clarifying whether the agreement was made through internal dispute resolution efforts, mediation, or binding arbitration. Focus will be on ensuring an understanding of the terms of the agreement and the required or desirable actions to be taken by the Council to fully meet these terms and to avoid similar situations in the future. The Council will take action to ensure clear responsibility for ensuring that all provisions of the agreement are met within a specified time period.

### **Section 16 – Confidentiality and Non-Retaliation Protections**

- A. **Confidentiality:** Confidentiality shall be maintained throughout the process and all parties shall sign statements of confidentiality (See Attachment 5).
  1. Mediators and arbitrators shall not divulge confidential information disclosed to them by the parties during mediation or arbitration, or share related records, reports, or other documents received, except that the mediator may provide such information to the arbitrator.
  2. The Council grievance panels shall share with the Council only a description of the grievance, the public agreement reached, if any, or the areas of disagreement that were not resolved, as required so the Council can take appropriate action to resolve issues that led to the grievance. No identifying information shall be provided.
  3. The Bylaws Committee Chair shall summarize to the Executive Committee and full Council the resolution of a grievance and the action required of the Council as described above, but shall not

discuss the identity of the grievant or any confidential information shared during the meetings associated with dispute resolution.

4. The grievant will be asked to maintain similar confidentiality, through a statement included in the intake, request for mediation, and request for binding arbitration forms.
  5. Agreements on confidentiality shall be made a part of any written settlement signed by the Council representative and the grievant.
- B. **Non-Retaliation Protections:** No grievant or related party shall be discriminated against nor suffer retaliation, nor be treated unprofessionally or unfairly as a result of filing a grievance or participating in the investigation of a grievance.

### **Section 17 – Involvement of Grantee**

The Planning Council shall inform the grantee whenever a grievance is received, and shall keep him/her informed about the status of each grievance.

Attachment 1:

Metropolitan Washington Regional Ryan White Planning Council  
*Grievance Policy and Procedures*  
*Definitions*

**AAA** – American Arbitration Association

**Affected Party** – An entity or individual that has standing to file a grievance due to being directly affected by the outcome of a covered process, such as service providers eligible for Ryan White Part A funds, consumer groups, PLWH caucuses, and individual consumers of Ryan White Part A services.

**Arbitration** – The submission of a dispute to an impartial or independent individual or panel for a binding determination. Arbitration is usually carried out under a set of rules. The decision of an arbitrator generally has the force of law, although it generally does not set a precedent on how future disputes will be resolved.

**Arbitrator** – An individual selected to decide a dispute or grievance. Arbitrators may be selected by the parties or by another individual or entity. In this EMA, arbitrators are selected by the American Arbitration Association.

**Binding** – A process in which parties agree to accept – to be bound by – the decision of a third party such as an arbitrator.

**Costs** – Charges for administering a dispute resolution process.

**Day** – In these policies, refers to a working or working day, not a calendar day.

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

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

**Grievant** – *An entity or eligible individual seeking a formal resolution of a grievance.*

**Impartiality** – Freedom from bias or favoritism, in word or action; a commitment to aid all parties, not just a single entity or individual, in reaching a mutually acceptable agreement.

**Mediation** – A formal process in which a neutral person, the mediator, assists the parties in reaching an acceptable resolution to their dispute. Mediation may involve meetings held by the mediator with the parties together and separately. The results of mediation can become binding if the parties agree to and sign them.

Grievance Policy and Procedures - Definitions, p2

**Mediator** – A trained impartial and usually independent third party selected 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 dispute or grievance. The term indicates that the person does not favor either side in the dispute.

**Non-binding** – Techniques in which the parties to a dispute attempt to reach an agreement but are not required to accept the results. The agreement must be voluntarily accepted by both parties; results are not imposed by a third party as they are in binding arbitration.

**Party** – Refers to one of the participants in the grievance process. This includes the grievant (the group or individual that brings the grievance action), and entity against which the grievance is brought.

**Remedy** – *The relief or result sought by a grievant in bringing a grievance. It can include a process change, monetary damages, or (in some situations) a reversal of a decision. In this EMA, remedies are prospective, which means they apply to future funding-related decisions, but not retroactively, to past funding decisions.*

**Standing** – A term referring to the eligibility of an entity or individual to bring a grievance. In the case of Ryan White Part A grievances, an entity or person that is directly affected by the decision has standing to challenge a Planning Council or grantee decision with respect to funding.

**With Respect to Funding** – Refers to Planning Council priority setting, resource allocation, and reallocation processes (including directives, conflict of interest policies, and related policies and procedures). Ryan White legislation requires Planning Council grievance procedures to cover grievances with respect to funding.