

Washington, DC Regional
**PLANNING
COMMISSION**

on **HEALTH and HIV**

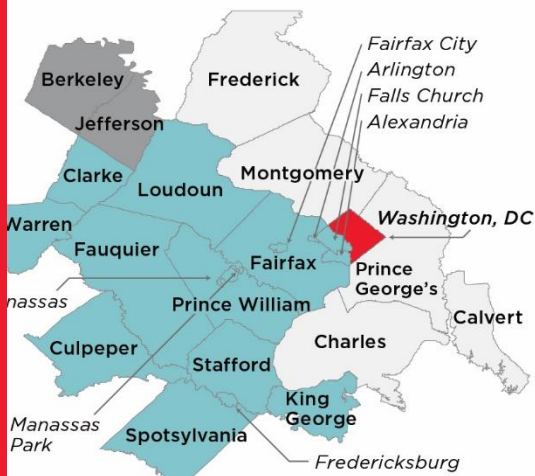


BYLAWS

APPROVED BY THE COHAH

DECEMBER 2018

*APPROVED BY THE MAYOR'S OFFICE OF TALENT AND APPOINTMENTS (MOTA), EXECUTIVE OFFICE OF THE MAYOR OF THE DISTRICT OF COLUMBIA
DECEMBER 2018*





Bylaws of the Washington, DC Regional
Planning Commission on Health and HIV (COHAH)
Updated September 25, 2018; Approved December 2018

TABLE OF CONTENTS

ARTICLE 1: NAME, DESIGNATION OF REGION, AND DUTIES	2
ARTICLE 2: LEGAL AUTHORITY	4
ARTICLE 3: MEMBERSHIP	4
ARTICLE 4: COMMISSION CO-CHAIRS AND VICE-CHAIR	15
ARTICLE 5: MEETINGS	19
ARTICLE 6: COMMITTEES AND TASK FORCES	22
ARTICLE 7: CONFLICTS OF INTEREST	28
ARTICLE 8: OFFICIAL COMMUNICATIONS AND REPRESENTATION	30
ARTICLE 9: FUNDING AND EXPENSE REIMBURSEMENT	30
ARTICLE 10: GRIEVANCES	32
ARTICLE 11: MAINTENANCE OF RECORDS AND PUBLIC ACCESS	32
ARTICLE 12: AMENDMENTS TO BYLAWS	33
ARTICLE 13: DEFINITIONS	33
APPENDIX A: CODE OF CONDUCT	36
CODE OF CONDUCT POLICY & PROCEDURES	36
CODE OF CONDUCT AFFIRMATION AND PLEDGE	43
APPENDIX B: CONFIDENTIALITY POLICY AND PLEDGE	44
APPENDIX C: CONFLICT OF INTEREST POLICY	45
CONFLICT OF INTEREST POLICY	45
APPENDIX D: EXPENSE REIMBURSEMENT POLICIES	48
EXPENSE REIMBURSEMENT POLICY FOR COMMISSION MEMBERS.....	48
REIMBURSEMENT POLICY FOR NON-MEMBER PLWHs AND CAREGIVERS WHO PARTICIPATE IN COMMISSION COMMITTEES	50
APPENDIX E: GRIEVANCES	52
GRIEVANCE POLICY AND PROCEDURES.....	52
GRIEVANCE POLICY & PROCEDURES DEFINITIONS.....	59

ARTICLE 1: NAME, DESIGNATION OF REGION, AND DUTIES

- 1.1 **Name.** This organization shall be known as the Washington, D.C. Regional Planning Commission on Health and HIV [hereinafter “the Commission”].
- 1.2 **Designation of Region.** The Washington, DC eligible metropolitan area (EMA) is a federally defined area, also known as the Washington, DC Region [hereinafter “the Region”]. The Region is defined as the following jurisdictions:
1. The District of Columbia;
 2. The following cities in the Commonwealth of Virginia:
 - a. Alexandria;
 - b. Fairfax;
 - c. Falls Church;
 - d. Fredericksburg;
 - e. Manassas; and
 - f. Manassas Park;
 3. The following counties in the Commonwealth of Virginia:
 - a. Arlington;
 - b. Clarke;
 - c. Culpepper;
 - d. Fairfax;
 - e. Fauquier;
 - f. King George;
 - g. Loudoun;
 - h. Prince William;
 - i. Spotsylvania;
 - j. Stafford; and
 - k. Warren
 4. The following counties in the State of Maryland:
 - a. Calvert;
 - b. Charles;
 - c. Frederick;
 - d. Montgomery; and
 - e. Prince George’s;
 5. The following counties in the State of West Virginia:
 - a. Berkeley; and
 - b. Jefferson.

1.2 **Commission Duties.** The Commission shall:

- A. Increase collaboration, efficiency, and innovation with government partners and community stakeholders to achieve a more coordinated response to the HIV continuum of services;
- B. Conduct community planning activities for the federally defined eligible metropolitan area (EMA), related to the implementation of the Ryan White HIV/AIDS Program (RWHAP), funded by Ryan White Parts A (Grants to Eligible Metropolitan and Transitional Areas) and F (Minority AIDS Initiative) by the U.S. Department of Health and Human Services (HHS), Health Resources and Services Administration (HRSA); and, where feasible, Ryan White Part B (Grants to States and Territories) and Centers for Disease Control and Prevention ("CDC") HIV prevention funds;
- C. Inform the development or update of an Integrated HIV Prevention and Care Plan ("Integrated Plan") to be implemented and monitored, ensuring that activities and funding are aligned with the National HIV AIDS Strategy (NHAS) and the successful execution of High-Impact Prevention (HIP) programs and activities within communities. With regard to prevention, the Integrated Plan will address prevention activities within the District of Columbia but will consider information and activities from across the EMA in integrating multiple HIV community needs and setting priorities for HIV prevention interventions and strategies for populations at high risk of HIV infection;
- D. Establish priorities for the allocation of funds within the Region, including how best to meet such priorities and additional factors that a recipient should consider in allocating funds under a grant based on the factors set forth in section 2602(b)(4)(C) of the Public Health Service Act (42 U.S.C. § 300ff-12(b)(4)(C));
- E. Develop a comprehensive plan for the organization and delivery of health services that is compatible with existing District, state, and local plans regarding the provision of health services to people living with HIV and that meets the requirements of section 2602(b)(4)(D) of the Public Health Service Act (42 U.S.C. § 300ff-12(b)(4)(D));
- F. Assess the efficiency of the administrative mechanism in rapidly allocating funds to the areas of greatest need within the Region, and, at the discretion of the Commission, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs;
- G. Participate in the development of the state-wide coordinated statement of need initiated by the District of Columbia Department of Health (DOH);

- H. Determine the size and demographics of the population of people living with HIV as well as the size and demographics of the estimated population of people living with HIV who are unaware of their HIV status;
- I. Determine the needs of the population of people living with HIV, with particular attention to individuals who know their HIV status and are not receiving HIV-related services, disparities in access and services among affected subpopulations and underserved communities, and people living with HIV who do not know their HIV status;
- J. Establish methods for obtaining input on community needs and priorities;
- K. Coordinate with federal grantees that provide HIV-related services within the Region; and
- L. Issue an annual report of its activities to the Mayor of the District of Columbia.

ARTICLE 2: LEGAL AUTHORITY

The Commission was created by [District of Columbia Mayor's Order #####] pursuant to the authority vested in the Mayor of the District of Columbia by section 422(2) of the District of Columbia Home Rule Act, approved December 24, 1973, 87 Stat. 790, Pub. L. 93-198, D.C. Official Code § 1-204.22(2) (2016 Repl.), and pursuant to §§ 2602(a) and (b) of the Public Health Service Act, as amended by § 101 of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990, approved August 18, 1990, 104 Stat. 576, 42 U.S.C. 300ff-12(a) and (b),

ARTICLE 3: MEMBERSHIP

- 3.1 **Composition.** The Commission shall consist of community members representing stakeholder groups who reflect the characteristics of the HIV epidemic in the region; and from organizations providing HIV prevention, care, treatment and other related services in response to the epidemic. The Commission membership shall be inclusive, representative, and achieve parity in conformity with the CDC guidelines for membership and with the HRSA Ryan White requirements discussed below.
- 3.2 **Size.** The Commission shall consist of no fewer than thirty-seven (37) and no more than forty-seven (47) voting members. “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 Commission, and duly and lawfully appointed to and sworn in as members of the Commission by the Mayor of the District of Columbia.

3.3 Member Roles and Responsibilities. All Commission members are expected to:

- A. Attend and actively participate in Commission monthly, special, and emergency meetings, and community events, in accordance with attendance requirements under Section 3.17.
- B. Attend and actively participate in at least one standing committee, in accordance with Section 3.16.
- C. Participate in new member orientation and training and review orientation materials provided by the support staff within thirty days after appointment.
- D. Attend and actively participate in all Commission-sponsored trainings or retreats.
- E. Have a working knowledge of the Integrated HIV Prevention and Care plan, funding for HIV at the federal level, and the National HIV/AIDS Strategy.
- F. Make a commitment to work with the DOH/HAHSTA to ensure that the Commission's engagement process and the jurisdictional plan align with the NHAS goals.
- G. Utilize the data/information presented to the Commission in the epidemiological profile and jurisdiction's plan.
- H. Request additional information if the data presented do not clearly reflect the impact of the epidemic, where it is moving, and where the gaps are in prevention, care and treatment services in the jurisdiction.
- I. Use information provided by the DOH to collaboratively develop an engagement process.
- J. Participate as a partner with the DOH/HAHSTA to improve the impact of HIV prevention efforts within the local jurisdiction, while abstaining from serving as an advocate for an agency.
- K. Actively participate in all aspects of the annual Priority Setting and Resource Allocation (PSRA) process at both the jurisdiction and EMA levels including separate meetings for (1) trainings; (2) data presentations; (3) priority setting; and (4) resource allocation as well as any directive formulation.
- L. Review materials of Commission and/or committee discussion/actions, including pending

motions and supporting materials, before scheduled meetings.

M. Follow the Bylaws as well as all policies and procedures adopted by the Commission. To ensure understanding and commitment to doing so, each member will be required annually to sign certain forms including but not limited to those related to (1) Conflict of Interest; (2) Code of Conduct; and (3) Confidentiality. Existing documents shall remain in effect and be binding upon the behavior of members until such time as new ones are executed.

3.4 Except as specified below, no more than two individuals paid by any single organization may be appointed to the Commission. For purposes of this provision, “paid by” includes individuals who are employed, stipend, paid as consultants, or are Board members with fiduciary responsibility. When the candidacy of an individual allows the Commission to meet the requirements of representation, inclusion, and parity yet would violate the two person per organization rule, the Executive Operations Committee may vote to override the two-person organizational limit and nominate the individual for appointment or reappointment. In such cases, the Executive Operations Committee must document the reason for the exception.

3.5 **Community Members.** The Commission shall include 37-47 members appointed by the Mayor, who shall include representation from the following categories, as required by section 2602 of the Public Health Service Act (42 U.S.C. § 300ff-12(b)(2)):

- A. Health care providers, including federally qualified health centers;
- B. Community-based organizations serving affected populations and AIDS service organizations;
- C. Social services providers, including providers of housing and homeless services;
- D. Mental health providers and substance abuse providers;
- E. Local public health agencies;
- F. Hospital planning or health care planning agencies;
- G. Affected communities, including individuals living with HIV, 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 sub-populations;
- H. Non-elected community leaders (especially representatives from communities or populations most impacted by HIV, based on social and geographic distribution);

- I. State government including
 - i. a representative of the Department of Health Care Finance (the State Medicaid agency) and
 - ii. a representative of the Department of Health (the agency administering the program under part B);
- J. Recipients/grantees under subpart II of Part C of Title XXVI of the Public Health Service Act (42 U.S.C. §§ 300ff-51 et seq.);
- K. Recipients/grantees under section 2671 (Part D) of the Public Health Service Act (42 U.S.C. § 300ff-71) or, if none are operating in the Region, organizations with a history of serving children, youth, women, and families living with HIV and operating in the Region;
- L. Sub-Recipients/grantees of other federally-funded HIV programs, including, but not limited to, providers of HIV prevention services and, if present in the Region, a representative of each of the following:
 - i. A recipient/grantee providing services in the EMA that is funded under Part F's Special Projects of National Significance (SPNS), AIDS Education and Training Centers (AETCs), and/or Ryan White Dental Programs.
 - ii. The Housing Opportunities for Persons with AIDS (HOPWA) program of the U.S. Department of Housing and Urban Development (HUD).
 - iii. Other Federal programs that provide treatment for HIV, such as the Veterans Health Administration.
- M. Individuals or representatives of individuals who formerly were incarcerated in a federal, District, state, or local prison/penal system and released within the last three (3) years and had HIV as of the date of release.

3.6 Exceptions to Separate Representation

There are three exceptions to the rule regarding separate representation for Commission community members under 3.5:

- A. One person may represent both the substance abuse provider and the mental health provider categories if the employing agency provides both types of services and the person is familiar with both programs.
- B. A single Commission member may represent both the Ryan White Part B program and the State Medicaid agency if that person is in a position of responsibility for both programs.

- C. One person can represent any combination of Ryan White Part F grantees (SPNS, AETCs, and Dental Programs) and HOPWA, if the agency represented by the member receives grants from some combination of those four funding streams (e.g., a provider that receives both HOPWA and SPNS funding), and the individual is familiar with all these programs.

3.7 Additional Government Members

- A. One voting representative of the District of Columbia Department of Health, who shall serve as the Government Co-Chair
- B. Non-voting government members representing subject areas and services in the region, including:
 - 1. The Director of the District of Columbia Department of Health Care Finance, or his or her designee;
 - 2. The Director of the District of Columbia Department of Behavioral Health, or his or her designee;
 - 3. A representative from the District of Columbia Department of Health HIV Prevention Division;
 - 4. A representative from the State of Maryland HIV and STD Prevention program;
 - 5. A representative from the State of Maryland Behavioral Health Program;
 - 6. A representative from the State of Maryland Medicaid Program;
 - 7. A representative from the Commonwealth of Virginia HIV and STD Prevention Program;
 - 8. A representative from the Commonwealth of Virginia Behavioral Health Program;
 - 9. A representative from the Commonwealth of Virginia Medicaid Program; and
 - 10. A representative from the West Virginia Department of Health Behavioral Health, HIV and STD Prevention, HIV Housing, Medicaid, or Surveillance Program.
- C. Non-voting government members shall receive Commission mailings and meeting announcements. These members may speak at Commission meetings with the same privileges and responsibilities as full members but may not vote in full Commission or Committee meetings.

- D. Representatives of government agencies across the EMA may be invited to participate in Commission or Committee meetings on an ad hoc basis as needed, without requiring appointment as Commission members.

3.8 **Unaligned consumer members.**

- A. A minimum of thirty-three (33%) of the Commissioners shall be individuals who are unaligned consumers.
- B. Consumers are individuals receiving HIV-related services from Ryan White Part A providers. The term consumers shall include persons living with HIV receiving services themselves and the parents and caregivers of minor children who are receiving such services.
- C. Definition of “unaligned.”
 - i. Unaligned means having no financial or governing interest in Ryan White Part A-funded agencies. To qualify as an “unaligned consumer,” neither an individual nor the individual’s family member may serve as staff, consultants, or board members of such agencies (“family member” is defined here as spouse, partner, mother, father, child, or sibling).
 - ii. This limitation does not apply to individuals aligned with entities that receive funds from grants under other sections of the Ryan White legislation but do not receive funds through Part A.
 - iii. Consumers who only volunteer with, a Ryan White Part A-funded provider are not considered to “represent” that entity and are eligible for consumer membership on the Commission as unaligned members.
- D. The unaligned consumers shall reflect the demographics of the population of persons with HIV in the EMA, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations.

3.9 **Location of Residence or Employment.** To be eligible to serve on the Commission as an individual, such as a non-elected community leader, member of the affected community, or a recently incarcerated person (not an agency representative), 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 work in the EMA a majority of the time. A representative of a state agency (such as Medicaid or the Part B program) serves based on the position with the state agency, and need not live or work in the EMA.

- 3.10 **Geographic Representation.** The Commission membership will have proportional representation from and within each of the four major jurisdictions in the EMA – the District of Columbia, Maryland, Virginia, and West Virginia. The Commission will attempt to obtain representation from each of the jurisdictions within the EMA proportionate to the number of living HIV cases, as included in the annual Part A program application. The Commission will also work to ensure that, to the extent possible, unaligned consumer membership will be reflective of the gender, age, sexual orientation, racial and ethnic demographics of the infected populations within each Jurisdiction. The Commission will also seek representation from emerging populations in need of high priority prevention services.
- 3.11 **Administrative Agents.** Representatives of Ryan White administrative agents shall attend and participate in Commission meetings. They will also participate in certain committee meetings where their presence is most needed, as specified in their Inter-Governmental Agreements (IGAs) with the recipient and as mutually agreed upon with the Commission. Administrative Agents are not Commission members and may not vote in full Commission meetings or in Committees.
- 3.12 **Recruitment, Nominations, and Appointment.**
- A. All potential members of the Commission must go through the Commission’s open nominations process, which is managed by the Executive Operations Committee through a Membership Interview and Recommendation Panel. The process will comply with CDC and HRSA guidance, federal rules and regulations, and jurisdictional inter-governmental agreements.
 - B. This process shall include broad recruitment for potential members, use of an approved application form, interviews and assessment using clearly established criteria, and the Executive Operations Committee’s recommendation of a slate of nominees for membership (one per available slot) to the Mayor’s Office of Talent and Appointments (MOTA) in the Executive Office of the Mayor of the District of Columbia.
 - C. The Mayor as CEO for the EMA shall make the final decisions on appointments while complying with applicable federal and District law.
 - D. No individual may vote at full Commission meetings until sworn in by the Mayor.
- 3.13 **Terms of Service.**
- A. Each community member of the Commission shall be appointed for a term of two (2) years; provided, the initial appointments to the Commission shall be staggered such that

half of the community members shall be appointed for terms of three (3) years and half of the community members shall be appointed for terms of two (2) years; provided further, that the end date of each initial appointment shall be calculated as if the initial term began on June 1, 2018.

- B. Any member in good standing is eligible for reappointment, subject to the limitation in C, below. The Executive Operations Committee, using its established process, will make recommendations to the Mayor's Office of Talent and Appointments.
- C. Community members may serve up to a maximum of three terms. The Executive Operations Committee may make an exception to this rule in order to meet representation requirements or the need for specific expertise.
- D. District government officials shall serve while employed in their official positions, and shall serve at the pleasure of the Mayor.
- E. Members may be appointed to fill unexpired terms as vacancies occur.
- F. The anniversary date for all appointments shall be June 1.
- G. Employees of federal, state, or local government agencies who are chosen as voting members to fill specific legislatively mandated membership categories based on their office must go through the same open nominations process as all other members.

3.14 **Change of Status.** Members are appointed to fill specific membership categories. When a member of the Commission changes designation from that at the time of appointment, the member must inform the Executive Operations Committee of this situation within thirty (30) days.

- A. If the member fits another membership category and the Commission is not at maximum capacity, the Commission Coordinator may assign the member to the other membership category to represent that membership category for the remainder of the member's term and notify the Commission Government Co-Chair in writing of the change.
- B. If there is no other position available, the member shall submit a letter of resignation from the Commission and the seat shall be filled in accordance with the open nominations process.

- C. If the member cannot fit into another available membership category and does not resign, the Executive Operations Committee may recommend the member's removal to the Mayor's Office of Talent and Appointments as no longer eligible for membership.

3.15 Vacancies.

- A. If a seat becomes vacant, the EOC may recommend a community member to complete the member's term. To the extent possible, the replacement member should represent the same category as the departing member.
- B. Every six months the EOC will analyze the composition of the Commission in order to focus recruitment efforts.

3.16 Standing Committee Membership. Every member must serve on at least one standing committee. Every effort will be made to permit members to join the standing committee of their choosing. The Government and Community Co-Chairs may assign members to standing committees if necessary to ensure adequate expertise and representation.

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

- A. All members of the Commission must attend a minimum of two-thirds of the regularly scheduled meetings of the Commission held during each program year (for example, at least 6 of 9 Commission meetings), as well as a minimum of two-thirds of the regularly scheduled meetings of the standing committee(s) on which they serve.
- B. Should any Commission member accrue more than two absences from Commission or standing committee meetings within a 12-month program year without extenuating circumstances, the member will be notified of the initiation of the warning and removal process in 3.19 of these bylaws.
- C. Absences under extenuating circumstances must be communicated to the Commission support staff as soon as possible, but no later than two weeks after the meeting date.

3.18 Participation in Meetings by Conference Telephone or Other Electronic Means.

- A. *Commission meetings.* Members are expected to attend Commission meetings in person, except in unusual circumstances (such as illness of a PLWH member or inclement

weather), or if the member lives in a distant part of the EMA. The Government Co-Chair or Community Co-Chair may approve participation by telephone or other electronic means (provided capability for such participation is available at the meeting site) for good reason, at their discretion.

- B. *“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 Government Co-Chair. The Committee Chair or designated leader of a committee may choose to hold a small number of meetings by conference telephone or other electronic means, particularly if the committee is small or if a meeting is held on short notice.

3.19 **Removal for Non-Attendance.** A member’s failure to meet established attendance requirements under section 3.17 of these bylaws may result in loss of membership on the Commission. The Commission shall first attempt to improve attendance, and if this fails, shall recommend to the Mayor, through the Mayor’s Office of Talent and Appointments (MOTA), that the non-attending member be removed in accordance with these bylaws, subject to the following process and conditions:

- A. *Warning letter.* If a member is in danger of failing to satisfy the meeting attendance requirement (after two Commission and/or standing committee absences during a single program year) the Executive Operations Committee shall work with the Government Co-Chair and Commission staff to send out a warning letter to notify the non-attending member in writing that unless attendance immediately improves, the Commission will recommend to the Mayor that the non-attending member be removed for failure to meet attendance requirements.
- B. *Response period.* The Commission shall allow the non-attending member 30 calendar days from the date of the letter to respond in writing, indicating that the member will attend meetings regularly and if relevant, indicating why attendance has been insufficient.
- C. *Letter to MOTA.* If the member does not begin regularly attending Commission and committee meetings or provide a response that adequately explains special circumstances that caused this non-attendance, the Executive Operations Committee shall recommend the member’s removal to MOTA. Following such action, a letter shall be sent to MOTA to request removal of the non-attending member. Written notice of all such actions shall be authored by the Government Co-Chair and provided to the

Community Co-Chair, the Executive Operations Committee, and the Commission Staff at the same time correspondence is sent to MOTA.

- D. The application for Commission 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.

3.20 **Conduct.** The Commission has approved a code of conduct for Commission members and interested community members who attend or otherwise participate in Commission meetings. The code is attached in Appendix A.

3.21 **Resignation or Removal.**

- A. *Resignation.* Any member of the Commission may resign at any time by written notice that bears a valid signature and is delivered in person, via fax, mail or by email to the Commission Government Co-Chair. The resignation shall take effect at the time specified in the notice, or if not so specified, immediately upon receipt of the notice.
- B. *Removal.* The Commission may recommend to the Mayor that any member, including the Government Co-Chair and Community Co-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 Commission 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 Operations 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 Mayor's Office of Talent and Appointments shall make the final decision and take the required action for removal.

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 Commission with no fewer than ten (10) business days' prior notice. If the Commission recommends removal, the member shall then be suspended from participation as a member in Commission meetings until action by the Mayor's Office of Talent and Appointments.

3.22 **Compensation.** Commission Members shall receive no salary or other compensation for their services as members of the Commission except for the appointed Government Co-Chair who

is staff of the Government of the District of Columbia Department of Health. However, the Commission may reimburse members for allowable expenses as specified in Article 9, based on the Commission's approved policies and budgeted funds, provided reimbursement is not available from another source.

- 3.23 **Leave of Absence.** A Commission member may request from the Executive Operations Committee approval of a leave of absence of not 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 but not limited to serious illness of the member or a close family member in their care, professional responsibilities that make it impossible to attend Commission 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 the 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.

ARTICLE 4: COMMISSION CO-CHAIRS AND VICE-CHAIR

4.1 Co-Chairs and Vice-Chair.

A. *Co-Chairs.* There shall be two Chairs of the Commission: a Government Co-Chair and a Community Co-Chair.

- i. The Government Co-Chair shall be appointed by the Mayor, in accordance with District of Columbia law and Ryan White legislative requirements. The Government Co-Chair shall serve at the pleasure of the Mayor and in compliance with District of Columbia Law.
- ii. The Community Co-Chair shall be elected in accordance with the procedures described in Section 4.3. The term of office of the Community Co-Chair shall be two years.

B. *Community Vice-Chair.* The Community Vice-Chair, elected in accordance with the procedures described in Section 4.3, will serve under the Community Co-Chair for one year. When the Community Co-Chair's two-year term is over, the Community Vice Chair will replace the Community Co-Chair and begin a two year term, at which point a new Community Vice Chair will be elected.

4.2 Roles and Responsibilities.

- A. *The Government Co-Chair.* In conjunction with the Community Co-Chair and Executive Operations Committee, shall call meetings of the Commission and assist in the preparation of Commission meeting agendas. The Government Co-Chair shall chair Commission and Executive Operations Committee meetings.

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

The Government Co-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 Community Co-Chair shall co-facilitate meetings of the Commission with the Government Co-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 Government Co-Chair, the Community Co-Chair shall perform those duties that otherwise would be performed by the Government Co-Chair. The Community Co-Chair shall work with the Government Co-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 the quorum required for committee action.

- C. *Community Vice-Chair.* The Community Vice Chair shall serve under the Community Co-Chair in preparation for the Community Vice Chair's rise to Community Co-Chair in two years/at the end of the two year term. The Community Vice Chair shall serve on the Executive Operations Committee and, in accordance with Section 4.6, will serve as Acting Chair in the event of a temporary, planned or unplanned absence (Short-Term) of the Government Co-Chair and the Community Co-Chair.

4.3 Nominations and Elections of Community Co-Chair and Community Vice Chair.

- A. *Schedule.*

- i. The nominations process will open at the Commission meeting one month prior to

- the scheduled election meeting and will close at the start of the election meeting.
- ii. Candidates should notify the Commission at the meeting one month prior to the election meeting that they intend to run and should submit a half-page narrative stating their qualifications for the office and Commission-related experience. This statement will be circulated with the meeting agenda and other meeting materials. If a candidate is not present, the Commission Government Co-Chair should read the statement.
- iii. For the initial elections, the Commission will elect a Community Co-Chair and a Community Vice Chair. The process for Community Co-Chair will occur first, followed by a repeat of the process to elect a Community Vice Chair. Nominees for the election should indicate if they are willing to be considered for Community Co-Chair, Community Vice Chair, or either.

B. *Process.*

- i. Any Commission member may nominate another Commission member.
- ii. A Commission member may self-nominate
- iii. Each nomination will require a second.
- iv. The person who is making the nomination and the person seconding the nomination will be allowed time to make a statement supporting the nominee.
- v. Time allowed:
 - a) Person making the nomination - 2 minute maximum;
 - b) Person seconding the nomination - 1 minute maximum.
- vi. Commission staff will prepare a ballot listing all known candidates for each office in time for the scheduled election meeting.
- vii. Each nominee will be allowed a maximum of 5 minutes to make a statement.
- viii. At the conclusion of the statements, nominees will be allowed to vote and then leave the room while the Commission members deliberate and vote by secret ballot.
- ix. Ballots will be collected by Commission staff.
- x. Ballots will be counted by Commission staff.
- xi. A quorum of Commission members will be required to hold the election.
- xii. A run-off election will be called if no candidate receives a majority of the votes.
- xiii. The results will be announced by the Government Co-Chair.

- 4.4 Removal of Government Co-Chair.** Only the Mayor may remove the Government Co-Chair from office. The Commission may recommend the Government Co-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.

4.5 **Resignation or Removal of Community Co-Chair or Community Vice Chair.**

- A. *Resignation.* A Community Co-Chair or Vice Chair may resign the position at any time by written notice to the Government Co-Chair. The resignation will take effect at the time specified in the notice or, if no time is specified, on receipt.
- B. *Removal.* Procedures for recommending removal of members from the Commission, described in Sections 3.19 and 3.21, also apply to removal of a Community Co-Chair or Community Vice Chair from the Commission. A Community Co-Chair or Community Vice Chair may be removed from office for cause only after review and recommendation of the Executive Operations Committee based on a two-thirds vote of the Executive Operations Committee.

4.6 **Vacancies.**

- A. In the event of a vacancy in the office of Community Co-chair, the Community Vice Chair shall fill the position for the remainder of the term, and may continue to serve the rest of the term as Community Co-Chair.
- B. In the event of a vacancy in the Office of Government Co-Chair, the Department of Health will recommend, and the Mayor will appoint, a Government Co-Chair within 30 days of the vacancy.
- C. In the event of a temporary, planned or unplanned absence (Short-Term) of the Government Co-Chair and the Community Co-Chair, the Community Vice Chair will serve as Acting Chair. If the Community Vice Chair is not available, the following Temporary Leadership Succession Plan will apply, until the Government Co-Chair, Community Co-Chair, or Community Vice Chair is able to resume normal duties, or until new leadership is appointed by the Mayor:
 - i. The first position in line to be Acting Chair is the Comprehensive Planning Committee chairperson.
 - ii. The second position in line is the Integrated Strategies Committee chairperson.
 - iii. The third position in line is the Community Engagement and Education Committee chairperson.
 - iv. The fourth position in line is the Research and Evaluation Committee chairperson.

ARTICLE 5: MEETINGS

- 5.1 **Frequency of Meetings.** The Commission shall meet at least 9 times a year, at a time and place that is specified, in writing, by the Commission Government Co-Chair, in conjunction with the Executive Operations Committee, no fewer than 10 business days in advance.
- 5.2 **Special Meetings.** The Mayor, Government Co-Chair, Community Co-Chair, or any seven members of the Commission may call a special meeting of the full Commission. The call shall be by written notice mailed or emailed to Commission members, and to others who have requested notice of meetings, not less than three business 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.
- 5.3 **Meeting Announcements.** In urgent circumstances, where the previously stated advance notice cannot be provided, changes in the location or schedule of regular or special meetings shall be sent to members and publicly announced as soon as possible after changes are made.
- 5.4 **Cancellation of Meetings.** The two co-chairs may cancel a regularly scheduled meeting when conditions, such as inclement weather, would make member participation difficult.
- 5.5 **Jurisdictional Meetings.** Certain work of the Commission may be supported by activities in the jurisdictions subject to review and final approval by the Commission. 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, Commission members will lead the jurisdictional meetings which must follow these bylaws and the policies and procedures established by the Commission to guide the activity involved. This includes, for example, adherence to conflict of interest policies and public meetings and records requirements.
- 5.6 **Quorum.** At any Commission or Standing Committee meeting, the presence of more than 50% of the Commission's voting 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.
- 5.7 **Accessibility of Meetings.**
 - A. All regular meetings of the Commission and its Standing Committees shall be open to the public. The Commission will establish procedures to hear concerns and statements from non-members of the Commission.
 - B. The meetings of the Commission shall be governed by the most recent edition of Robert's

Rules of Order and will comply with the District of Columbia Open Meetings Act, (D.C. Official Code §2-574(1)).

- C. The Commission shall meet in facilities that are Americans with Disabilities Act (ADA)-compliant. The facilities shall be accessible to public transportation to the extent feasible.
- D. Location. The Commission shall hold regular meetings in the District of Columbia but may choose to hold some meetings in other parts of the EMA.

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

5.9 **Community Participation.** The opinions, experiences, and expertise of individuals living with or at risk of acquiring HIV disease are essential for developing policies, programs, and strategies to respond effectively to the HIV pandemic. As an organization with a wide diversity of people living with or at risk of acquiring HIV disease, the Commission encourages community persons to participate in the Commission process, serve on committees, and attend Commission meetings.

- A. Members of the public shall be permitted to make a statement at a designated time during each Commission and committee meeting.
- B. Community members may apply and upon approval become “named members” of Standing Committees as provided in section 6.8.
- C. Members of the public attending Commission meetings are required to comply with the Code of Conduct adopted by the Commission.

5.10 **Discussion.** At a meeting of the Commission, the Government Co-Chair shall call on Commission 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.

5.11 **Confidentiality Policy and Pledge.** The Commission has adopted and implemented a Confidentiality Policy and Pledge for Commission members and interested community members including PLWH’s who attend and participate in Commission meetings and other

activities. The Confidentiality Policy & Pledge is incorporated into these Bylaws and included as Appendix B.

5.12 Meeting Materials.

- A. An agenda shall be prepared for each regular meeting of the Commission by the Government Co-Chair in conjunction with the Community Co-Chair and Executive Operations Committee and shall be transmitted to Commission 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 Government Co-Chair.
- B. The agenda and critical material to be considered at a regular Commission meeting shall be transmitted to each member at least four (4) business days prior to the meeting. Materials for committee meetings shall be sent out in a timely manner that complies with the DC Open Meetings Act. Distribution will be via e-mail or other electronic means.

5.13 Voting.

- A. At any meeting of the Commission, each member shall be entitled to one vote upon any question before the Commission, provided that a quorum is then present.
- B. Members are required to comply with the Conflict of Interest policy when voting.
- C. 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 motion will be based upon the “number of members present and voting.”

5.14 Recordings and Minutes.

- A. Recordings of meeting. Meetings of Commission and committee meetings shall be recorded, and the recordings preserved but not transcribed. The Commission support staff shall keep recordings of Commission 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 D.C. Government location designated for storage of Commission records and archives, but shall be made available for on-site review by appointment with the Commission support staff. The Commission support staff shall keep a log of requests to hear the recordings. Consistent with the District of Columbia Open Meetings Act (D.C. Official Code §2-574(1)) all meeting minutes and agenda will be posted on the

Department of Health website.

- B. Meeting minutes. The Commission shall keep detailed minutes of each meeting, and the Government Co-chair shall certify their accuracy, as required by Section 2602(b)(7) of the 2009 Ryan White legislation. The Commission support staff shall prepare a draft of the minutes of each Commission 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 Commission 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 Commission meeting, and the minutes shall be approved by the Commission. The approved Commission minutes as corrected and certified by the Government Co-Chair shall be posted on the Commission's website, filed at the D.C. Government location designated for storage of Commission records and archives that is to be maintained by Commission staff and made available to Commission members and the public on request submitted to the Commission support staff
- C. The Commission support staff shall prepare minutes of official committee meetings. Draft committee minutes shall be included in the next Commission 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 Commission meeting packet. Committee minutes shall be made available for Commission and public review and copying on request at the D.C. Government location designated for storage of Commission records and archives that is to be maintained by Commission staff, as detailed in Article 11.

ARTICLE 6: COMMITTEES AND TASK FORCES

- 6.1. **Standing Committees- General.** Standing committees may be established or eliminated by the Commission through Bylaws amendment. An existing Standing Committee may be made inactive by majority vote of the Commission.
- 6.2. **Standing Committees- Names, Duties, and Membership.** Subject to further bylaw amendment, the Commission shall have four additional standing committees:
 - A. *Executive Operations Committee (EOC)*
 - i. Duties. The Executive Operations Committee (EOC), in conjunction with the Commission's Government and Community Co-Chairs, shall set the overall direction of the Commission and coordinate the work of the Commission and its committees,

ensuring that all federal legislative responsibilities are being met. It shall review all committee reports and recommendations before they go to the full Commission, request revisions or additional work as needed, and set the agenda for the Commission meetings.

- a) It shall also take urgent action as required between Commission meetings, as authorized by the Commission. The Executive Operations Committee shall report to the full Commission, and its decision shall be reviewed and ratified by the full Commission.
- b) The committee shall also be responsible for developing and implementing an open nominations process (which may also be referred to as the membership application process), for Commission member recruitment, review of applications, interviews with applicants, and recommendation of nominees for Commission action.
- c) The committee shall work with staff to ensure new member orientation as well as development of a training plan and provision of member training and development.
- d) The committee shall work with support staff to monitor Commission and committee meeting attendance and, when necessary, recommend removal of members for non-participation based on bylaw requirements.
- e) The committee shall ensure that the Commission membership meets representation requirements based on legislatively required membership categories and is reflective of the epidemic in the EMA.
- f) The committee shall also be responsible for the development and periodic review and update of the Commission bylaws and other policies and procedures such as Conflict of Interest and Grievance procedures. It shall review policies developed by other committees to ensure that they meet federal and District guidelines, and are consistent with these bylaws.
- g) The committee shall also be responsible for overseeing the grievance process, which includes establishing panels as necessary to review grievances filed against the Commission.

- ii. Membership. The Executive Operations Committee shall include as voting members the Government Co-Chair, Community Co-Chair, Community Vice Chair, all Standing Committee Chairs, and two (2) voting members of the Commission, elected by the full Commission using the process outlined in 4.3B.
 - a) The recipient's representative(s) and the administrative agents are non-voting members of the Executive Operations Committee.
 - b) Because of the confidential nature of the committee's membership work, all membership discussions must occur with Commission Members only. The Committee shall involve other Commission members to serve on interview panels to carry out personal interviews with applicants for the Commission.
 - c) Committee Co-Chair participation. If a standing Committee Chair is unable to attend an Executive Operations Committee meeting, the Co-Chair of that committee shall attend the Executive Operations Committee to present the committee's report and recommendations. However, only a Committee Co-Chair who is an appointed Commission member may vote in Executive Operations Committee.

B. *Integrated Strategies Committee (ISC)*

- i. Duties. The Integrated Strategies Committee (ISC) will lead the Commission's efforts to identify and disseminate effective strategies and best practices that enhance coordinated, collaborative and seamless access to HIV prevention, care and treatment services, including mental health and substance abuse, to achieve the greatest impact on reducing incidence and HIV-related health disparities/inequities.
 - a) The committee shall work to strengthen integrated health efforts across the continuum of HIV prevention, care and treatment, including social determinants of health associated with but not limited to HIV, STDs, Hepatitis, Tuberculosis, Housing, substance abuse and mental health.
 - b) The committee shall be responsible for developing Service Standards for Ryan White service categories and updating them as needed.
 - c) The committee shall collaborate with the Research and Evaluation Committee on the implementation and update of the Integrated HIV Prevention and Care Plan.
 - d) The committee will focus on areas such as:
 - 1) Biomedical HIV Prevention (PrEP, PEP, TaSP, U=U)
 - 2) HIV-Testing & Linkage to Care
 - 3) High-Impact Prevention

- 4) Specialized focus populations
- 5) Ryan White HIV/AIDS Program Service Standards

- ii. Membership. The committee will have at least five (5) members who are voting Commission members. Its membership shall also include the following non-Commission members as voting “Named Members” in accordance with Section 6.7: Two (2) or more unaligned PLWH; Two (2) or more other members of the community. It shall regularly involve both additional Commission and non-Commission members as participants in ad hoc task forces focusing on assignments related to Service Standards and/or service delivery models.

C. *Research and Evaluation Committee (REC)*

- i. Duties. The Research and Evaluation Committee (REC) will lead the research and evaluation of HIV Prevention and Care efforts in the EMA, including consumer surveys, needs assessments, and policy analyses. This committee will also bring relevant external research to the full Commission to inform its efforts. Advancing public policy will also be a task of this committee.
 - a) The committee shall lead efforts to inform and monitor the implementation of the Integrated HIV Prevention and Care Plan in collaboration with the Integrated Strategies, Community Engagement and Education, and Comprehensive Planning Committees.
 - b) The committee shall have primary responsibility for coordinating the comprehensive needs assessment process, and for receiving and reviewing data from a wide range of sources, ensuring that it is made available in user-friendly formats for the Commission to review and use in decision making. This includes working with the recipient to ensure a comprehensive, ongoing, multi-year needs assessment effort that meets legislative requirements, 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 recipient, and other sources.
 - c) The committee shall manage the annual Assessment of the Efficiency of the Administrative Mechanism (AEAM).
- ii. Membership. The Committee will have at least five (5) members who are voting Commission members. Its membership shall also include the following non-

Commission members as voting “Named Members” in accordance with Section 6.7:
Two (2) or more unaligned PLWH; Two (2) or more other members of the community.

D. *Community Engagement and Education Committee (CEEC)*

- i. Duties. The Community Engagement and Education Committee (CEEC) will lead efforts to identify community members, key stakeholders, and other HIV service providers involved in HIV prevention, care, and treatment services to participate in a comprehensive engagement process.
 - a) The committee shall coordinate linkages between the Commission and PLWH and focus populations who are more likely to acquire and transmit HIV. This can be done through continuously conducting outreach to seek input and the identification of emerging issues, ensuring Commission members are educated regarding issues affecting these focus populations, and communicating the work of the Commission to the community.
 - b) The committee shall play the lead role on behalf of the Commission in community education, arranging for community leadership training, and active engagement of the community in the work of the Commission. For example, the Committee shall work closely with the Research and Evaluation and Comprehensive Planning Committees in arranging Town Hall meetings targeting focus populations in the design of needs assessment efforts.
 - c) The committee shall lead collaborative efforts with the Executive Operations Committee in recruiting potential members, especially consumers for the Commission.
- ii. Membership. The Committee will have at least five (5) members who are voting Commission members. Its membership shall also include the following non-Commission members as voting “Named Members” in accordance with Section 6.7:
Two (2) or more unaligned PLWH; Two (2) or more other members of the community.

E. *Comprehensive Planning Committee (CPC)*

- i. Duties. The Comprehensive Planning Committee (CPC) shall be responsible for the prioritization, allocation and monitoring of HIV programmatic funds; such as those provided by Ryan White Parts A and B, and the Centers for Disease Control and Prevention. This committee shall also be responsible for leading the Ryan White Priority Setting and Resource Allocation (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 Commission.

a) The committee shall review PSRA recommendations from the jurisdictions and forward them to the full Commission with any recommended revisions.

b) The committee shall establish procedures for reallocations across service categories during the program year and work closely with the recipient to develop recommended reallocations for Commission action.

ii. Membership. The Committee will have at least five (5) members who are voting Commission members. Its membership shall also include the following non-Commission members as voting “Named Members” in accordance with Section 6.7: Two (2) or more unaligned PLWH; Two (2) or more other members of the community.

6.3 **Meeting Schedule.** Standing Committees shall meet regularly and shall report their work and recommendations first to the Executive Operations Committee and then to the Commission.

6.4 **Ad hoc committees and task forces of the Commission.** Ad hoc committees or task forces may be created at any time to meet the operational needs of the Commission. The Commission, or the Government Co-Chair in consultation with the Community Co-Chair and with the approval of the Commission, may establish such entities as necessary.

6.5 **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 Commission.

6.6 **Decision making.** Any action, proposal, or decision made by a committee shall be submitted for discussion to the Executive Operations Committee and then submitted to the Commission for discussion, modification, and/or ratification.

6.7 **Committee Membership**

A. “Named Members.”

- i. Standing Committees other than the Executive Operations Committee shall include non-members of the Commission as voting “named members.”
- ii. To become a “named member” of a Standing Committee, an individual must apply and be accepted based upon the procedures and requirements established by the Commission and/or the specific committee.
- iii. “Named members” shall be “interested members of the community” who live or work in the EMA.
- iv. “Named members” shall have the same attendance requirements, member

expectations, and voting rights as Commission members, with regard to that specific committee but not with regard to the full Commission.

- v. A named member's failure to attend standing committee meetings per the standards of section 3.17 of these bylaws may result in removal from the committee.
- vi. Named members may be required to sign the forms delineated in section 3.3M of these bylaws.

B. **Representation.** All committees must include members who are PLWH, 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.

6.8 **Leadership.** Each standing committee other than Executive Operations shall have a Chair and a Co-Chair. The Chair must be a Commission member, since the Chair serves and votes on the Executive Operations Committee. Co-Chairs are selected by consent of the committee members and may be either Commission members or "Named Members" in accordance with section 6.7 of these bylaws.

6.9 **Staff support.** The Commission staff shall provide meeting coordination and support to the committees. Support staff shall also provide technical support and advice to the committees, and help ensure ongoing recipient/grantee and administrative agent participation in committee meetings so that committees have the information, expertise, and resources to carry out their legislative responsibilities.

ARTICLE 7: CONFLICTS OF INTEREST

7.1 **General.** The Commission shall develop and publish procedures to guard against conflicts of interest for its members. These procedures shall guarantee that no members of the Commission shall participate in any way in consideration of, or making decisions on, grants to their own organizations or to any organization offering the same or similar services. This prohibition extends to any member of the Commission having a family member who is an officer or employee in an organization being considered for a grant. The conflict of interest procedures of the Commission shall also ensure compliance with section 2602(b)(5)(A) and (B) of the Public Health Service Act (42 U.S.C. § 300ff-12(b)(5)(A) and (B)).

7.2 **Statements.** All members of the Commission shall sign a conflict of interest statement delineating their economic or other relationships (for example, contracts, employment, grants, etc.) with entities that may be affected or benefit by Commission decisions. If a conflict of interest arises for any Commission members, those members shall immediately

disclose the conflict and recuse themselves from deliberation and debate and from making recommendations and from participating in the decision-making process related to any matter related to the conflict of interest.

- 7.3 **Definition.** For the purpose of these bylaws, Conflict of Interest is defined as an interest by a Commission member in an action that may result in personal, organizational, or professional gain for the member or the member's 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.
- 7.4 **Participation of Conflicted Members.** At the beginning of each Commission or Committee meeting, all conflicted Commission members must verbally state (1) their names, (2) jurisdictions, (3) membership categories and (4) any Part A funded service category(ies) for which there is a conflict of interest. If the topic requires, during a discussion, a Commission member must disclose any 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.
- 7.5 **Priority Setting and Resource Allocation.** 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 the member may vote to approve or disapprove an entire slate of priorities or allocations.
- 7.6 **Involvement in Procurement.** No member of the Commission 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 Commission 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 Commission and the recipient/grantee or administrative agent, review specific sections of the RFA that are related to Standards of Care or directives established by the Commission. This restriction shall not impede or limit the Commission's right to formulate appropriate directives and/or Standards of Care.
- 7.7 **Violations of Conflict of Interest.** Commission members are expected to question possible conflicts of interest. If a conflict of interest is reported or alleged, the Executive Operations

Committee is responsible for investigating and addressing the conflict of interest, using written procedures adopted by the Commission.

- 7.8 **Commission Policy, Procedures & Forms related to Conflict of Interest.** The Commission has adopted and implemented a Conflict of Interest Policy that is incorporated into these Bylaws and included as Appendix C.

ARTICLE 8: OFFICIAL COMMUNICATIONS AND REPRESENTATION

- 8.1 **Spokesperson.** The spokespersons for the Commission are the Government Co-Chair and the Community Co-Chair. They are authorized to speak on behalf of the Commission with regard to its roles and responsibilities and provide information about actions that have been taken by the Commission or are on its public agenda, as well as any other matters for which they have received official authorization from the Commission.
- 8.2 **Official Statements.** No officer or member of the Commission shall perform any act or make any statement or communication under circumstances that might reasonably give rise to an inference that the officer or member is representing the Commission, except for actions or communications that are clearly within the policies of the Commission or have been authorized in advance by the Commission.
- 8.3 **Distribution of Information.** The procedures for Commission members to distribute information to the full Commission are clarified by the “Code of Conduct” (Appendix A) in the section “Representations/Communications.”

ARTICLE 9: FUNDING AND EXPENSE REIMBURSEMENT

- 9.1 **Commission operation funds.** The Commission shall work with the recipient/grantee to agree on the designation of funds for the effective operation of the Commission and its committees.
- A. Fiscal management of Commission operating budget support funds. Commission support funds are managed by the recipient/grantee, directly and through grants and contracts. The Commission works with the recipient/grantee to agree on the amount of the annual Commission operating/support budget, which will include part of the 10% of the Part A HRSA grant that is available for administrative costs, and may include other funding. The Government Co-Chair has responsibility for developing the Commission operating budget and when necessary during the year modifying it to better meet Commission goals. The Commission Staff shall have responsibility for overseeing and monitoring Commission expenditures on behalf of the Commission, based on recipient/grantee-generated reports

supplied to the Commission support staff. All Commission expenditures must meet Ryan White guidelines and other applicable federal and District guidelines as well as D.C. financial management regulations.

- B. **Securing Commission consultants or services.** When the Commission needs consultants or other external services, arrangements will be made to satisfy these needs using the most efficient and timely mechanism available under D.C. regulations. This may involve arrangements through HRSA or CDC, current contractors, or other methods. The Commission will work with the Commission support 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 D.C. regulations. All arrangements must meet both D.C. regulations and federal guidelines.

9.2 **Long distance travel expenses.** When Commission members travel in the performance of their Commission duties, reasonable travel expenses including transportation, lodging, and per diem for members may be paid from Commission 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 Government Co-Chair, and be approved by the recipient in advance to ensure they meet established travel policies and procedures with regard to use of Commission funds.

9.3 **Expenses of Commission Members.** Members of the Commission are eligible for reimbursement of certain expenses incurred in connection with Commission work that are allowable under federal and District guidance and the Commission’s Expense Reimbursement Policy (Appendix D).

9.4 **Expenses of “Named Members” of Standing Committees.** Non-members of the Commission who are accepted as “Named Members” of Standing Committees are eligible for reimbursement of certain expenses incurred in connection with Commission work that are allowable under HRSA guidance and the Commission’s Expense Reimbursement Policy.

9.5 **Expenses of Other Participants.** The Commission may develop policy for the reimbursement of other participants’ expenses in a manner allowed under federal and District laws and guidance.

9.6 **Allowed Expenses, Requirements and Procedures for Securing Payment.** In all cases covered above, the following conditions apply.

- A. Specific expenses eligible for reimbursement and the procedures for securing monthly reimbursement are defined in the separate Expense Reimbursement Policy approved by

the Commission that may change from time to time based on changes in HRSA policy and Commission decisions.

- B. The Commission is not required to reimburse all allowable expense categories. Exercising its best judgment, the Commission may choose not to reimburse some types of allowable expenses based on budget constraints or other factors.
- C. 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.

ARTICLE 10: GRIEVANCES

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

ARTICLE 11: MAINTENANCE OF RECORDS AND PUBLIC ACCESS

- 11.1 **Archives.** The Commission support staff shall maintain the official Commission archives at the D.C. Government location designated for storage of and public access to Commission 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 Commission Contractor(s) shall be returned to the Commission support staff upon termination of the contract.
- 11.2 **Public Access.**
 - 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 Commission shall be available for public inspection and copying at the D.C. Government location designated for storage of Commission records and archives that is to be maintained by Commission support 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 Commission support 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.

ARTICLE 12: AMENDMENTS TO BYLAWS

- 12.1 **General.** The Commission 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.
- 12.2 **Submission to Executive Operations Committee.** Proposed amendments to the Bylaws may be initiated by the Executive Operations Committee as part of its own regular review process, drafted by the Committee at the direction of the Commission, or submitted in writing to the Executive Operations Committee by a Commission member. The Executive Operations Committee shall review the proposed amendments. Bylaws amendments shall be recommended to the Commission for further consideration only if they are supported by majority vote of Executive Operations Committee members at a meeting at which a quorum is present.
- 12.3 **Commission Vote.** To be adopted, a proposed amendment to the Bylaws must receive the affirmative vote of two-thirds (2/3) of Commission members present and voting at a meeting at which a quorum is present. A proposed amendment may not be considered by the Commission unless it has been sent, in proposed form, to each Commission member at least seven (7) business days prior to the Commission meeting. Finally approved By-laws will be submitted to the Mayor's Office of Talent and Appointments for final review and ensure compliance with applicable statutes and law.

ARTICLE 13: DEFINITIONS

The following definitions apply to these Bylaws:

Ad Hoc Committees or task forces: These are committees or task forces set up to carry out a particular task over a specific period of time. The Commission as a whole or the Co-Chairs shall determine how long the committees or task forces will serve their function. Leadership of these committees or task forces shall be determined at the time of their creation.

Administrative Agent: The organization, agent, or other entity (e.g., public health department, community-based organization) that functions in political jurisdictions within a Part A area to assist the recipient/grantee in carrying out administrative activities (e.g., disbursing program funds,

developing reimbursement and accounting systems, developing requests for proposals, monitoring contracts).

Bylaws: The organization’s operating manual. They define the size of the group and how it will function, the roles and duties of officers, rules and procedures for holding meetings, electing and appointing officers and other essential corporate governance matters.

CDC: The Centers for Disease Control and Prevention. An agency of the U.S. Department of Health and Human Services, CDC is responsible for leading prevention efforts across a wide range of domestic and global health issues. CDC administers most domestic HIV prevention dollars, including grants to states and to highly-impacted cities.

Commission Contractor: The organization(s) contracted to provide technical expert support requested by the Commission.

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

Consumers: Individuals receiving HIV-related services from Ryan White Part A providers. This term shall include PLWH receiving services themselves and the parents and caregivers of minor children who are receiving such services. This is the federal term used.

Customers: Individuals receiving HIV-related services from Ryan White Part A providers. This term shall include PLWH receiving services themselves and the parents and caregivers of minor children who are receiving such services. This is the preferred term from the community.

Eligible Metropolitan Area (“EMA”): A legal jurisdiction designated by the Health Resources and Services Administration (HRSA) as Recipient/Grantees for Ryan White Part A funds

Focus Population: A population identified by the Department of Health as being disproportionately affected by HIV and related diseases and conditions, using epidemiologic and social determinants data.

HAHSTA: The D.C. Department of Health’s HIV/AIDS, Hepatitis, STD and TB Administration.

HRSA: Health Resources and Services Administration. A Federal public health agency of the U.S. Department of Health and Human Services that is responsible for directing national health programs that improve the Nation’s health by assuring equitable access to comprehensive, quality health care

for all. HRSA works to improve and extend life for people living with HIV, provides primary health care to medically underserved people, serves women and children through State programs, and trains a health workforce that is both diverse and motivated to work in underserved communities. HRSA administers the Ryan White HIV/AIDS Program (RWHAP).

Inclusion: Meaningful involvement of members in the process with an active voice in decision-making. An inclusive process assures that the views, perspectives, and needs of all affected communities are actively included.

Jurisdictions. The legally designated cities and counties that together make up the EMA.

PLWH: For purposes of these Bylaws, the term “PLWH” means a person living with HIV.

Representation: The act of reflecting the perspective of a specific community, including the community’s values, norms, and behaviors. Members should have expertise in understanding and addressing the specific HIV prevention or care needs of the population(s) they represent.

Ryan White Legislation: The Ryan White HIV/AIDS Treatment Extension Act of 2009 (Public Law 111-87, October 30, 2009). The legislation was first enacted in 1990 as the Ryan White CARE (Comprehensive AIDS Resources Emergency) Act. It has been amended and reauthorized four times: in 1996, 2000, 2006, and 2009. The Ryan White legislation has been adjusted with each reauthorization to accommodate new and emerging needs, such as an increased emphasis on funding of core medical services and changes in funding formulas.

Unaligned: Unaligned means having no financial or governing interest in Ryan White Part A-funded agencies. To qualify as an “unaligned consumer,” neither an individual nor that individual’s family member may serve as staff, consultants, or board members of such agencies. For the purpose of this definition, “family member” is defined as spouse, partner, mother, father, child, or sibling. Consumers who are clients of, or volunteer with, a Ryan White Part A-funded provider are not considered to “represent” that entity and are eligible for consumer membership on the Commission as unaligned members.

APPENDIX A: CODE OF CONDUCT

(Adopted by Commission [DATE])

CODE OF CONDUCT POLICY & PROCEDURES

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 Commission, its committees, subcommittees or task forces;** and **(2) one for members of the public** who attend Commission, committee, subcommittee or task force meetings as well as any other public events presented or supported by the Commission. 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 Commission members and other official meeting participants at all meetings and activities associated with the work of the Commission.

The Code of Conduct is designed to ensure appropriate behavior at Commission and committee meetings as well as other events conducted by or associated with the Commission. Provisions of the Code of Conduct are designed to ensure that the Commission 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 Commission members and to non-members who serve on standing committees, subcommittees, or task forces.

Approval and Implementation

1. The Commission establishes, approves and secures member acceptance of the Code of Conduct.
2. The Code of Conduct is presented and reviewed at each New Member Orientation, at the Commission Annual Retreat, and at the Commission's Annual Meeting.
3. Non-Commission members of Standing Committees must sign and submit the Code of Conduct Affirmation and Pledge Form prior to joining a committee. Non-Commission committee members are to submit their completed forms to the Standing Committee Chair who will forward them to the Commission Coordinator at HAHSTA.

The Commission Coordinator at HAHSTA will ensure proper distribution of each form from a Commission member to (1) the Mayor's Office of Talent and Appointments in the Executive Office of the Mayor of the District of Columbia, CEO of the EMA; (2) the Commission Coordinator; (3) Government Co-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-Commission members of Standing Committees, Subcommittees or Task Forces are to be forwarded only to the Commission Government Co-Chair with the original retained by the Commission Coordinator at HAHSTA.

EXPECTED CONDUCT BY COMMISSION AND COMMITTEE MEMBERS AT ALL COMMISSION-RELATED EVENTS

Code of Conduct During Meetings

Commission, committee, subcommittee and Task Force members are expected to follow these rules of conduct in all meetings and other Commission-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 Commission's Bylaws, Policies, and Procedures.
3. Follow the Commission'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. Treat the input of members of the public who are not members of the Commission with respect and integrate them into all aspect of the Commission's work.
6. 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 Commission's Community Co- Chair will be responsible for helping to ensure that the Code of Conduct is followed during Commission and Executive Operations Committee meetings. The Chair or Co-Chair of a committee will play this role in committee meetings.
7. 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.
8. 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*.
9. State disagreements about issues without engaging in personal attacks.
10. Follow and support decisions made by the body, regardless of their personal position.
11. 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.
12. Follow the Commission's Confidentiality Policy, as stated in the Confidentiality Pledge signed by each member. This means not disclosing personal information about any Commission 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 Commission relationships and activities
13. Act on behalf of all PLWH in the EMA, not to benefit the member or any funded entity.
14. 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 Recipient/Grantee. Members may, however, request information about performance and expenditures related to a service category, regardless of the number of providers in that category.
15. If they feel they cannot support the mission, goals, strategies, programs, and/or leadership of the Commission

and committees as agreed upon by the members, resign or decline involvement in the affected matter.

16. 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 Commission are the Government Co-Chair and the Community Co-Chair.

1. The Government Co-Chair and/or the Community Co-Chair may represent the Commission in public. This includes representation to the press, public, and in any situation where the official input of the Commission is needed.
2. Committee Chairs may represent their committee only, and only to other members of the Commission, except when authorized by the Commission to represent it.
3. Other members shall represent only themselves, unless properly authorized by the Commission or a committee to represent the Commission or the Committee, respectively.
4. In the course of conducting their professional affairs, Commission members must always clearly distinguish between activities that are attributable to the Commission and those that are not.
5. When attending conferences or other events, Commission members must clearly differentiate between attendance and participation as a Commission member and attendance and participation in any other non-Commission related capacity.
6. Abstracts, articles and any other written documents that are submitted for publication or for presentation at conferences or other public venues, which are in any way attributable to or developed in conjunction with the Commission, must be identified as the work of the Commission as discussed with and approved by the Executive Operations Committee.
 - a. Any member writing or preparing a document or presentation must notify the Commission Co-Chairs of the intention to do so at the time of the call for papers or workshops. The member should discuss the contents of the presentation or paper with the Co-Chairs, and should submit the text to them two months before the presentation. The Commission Executive Operations Committee must approve the final text, and will do so one month before the meeting.

Sanctions

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

1. When a Commission or committee member violates this Code of Conduct in a meeting, the meeting Chair is expected to inform the member 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, the Chair 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 Commission repeatedly violates the Code of Conduct, the Confidentiality Policy or other Commission policies during committee meetings, the Committee Chair may request that the Government Co-Chair remove this individual as a committee member subject to the approval of the Executive Operations Committee. The member will be suspended from Committee attendance and participation while the request for removal is pending.

3. If a Commission member continually violates the Code of Conduct in Commission 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 Commission 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 Commission 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 Commission member repeatedly violates the Code of Conduct, the Government Co-Chair may remove this individual as a committee member with the approval of the Executive Operations Committee.
5. Individuals who feel they have been treated unfairly may express this concern to the Executive Operations Committee, which will attempt to resolve the situation informally. If unable to do so, the Executive Operations Committee will inform the individual of the right to pursue the complaint using the Commission's Grievance Policy and Procedures process that is managed by the Executive Operations Committee.

Conflict Resolution

Occasionally a conflict that cannot be resolved informally arises among members, officers, the governmental co-chair, or the Commission staff. In those circumstances, the parties involved may utilize the following conflict resolution procedures:

1. Parties may request that the Co-Chairs schedule a time for formal discussion of the issue open exclusively to relevant members, the Commission Co-Chairs, a member of the Community Engagement and Education Committee, and, if necessary, the Chairs of the members' committees.
2. The Director of the Commission should be present as an observer and possible later arbitrator.
3. One of the Commission co-chairs will facilitate the discussion.
4. In certain cases, the resolution may require the development of a corrective action plan in conjunction with the Community Engagement and Education Committee.
5. If the Commission Co-Chairs determine that the meeting cannot resolve the issue, and that further meetings would be unhelpful, the Director of the Commission will serve as the first-level arbitrator and will issue a decision resolving the conflict.
6. If either party is not satisfied with the Director's decision, they may write a letter to the Director of the Commission requesting that the Senior Deputy Director HAHSTA or a designee arbitrate. This letter must state that the complainant agrees the decision of the Senior Deputy Director or the designee will be final. HAHSTA's Senior Deputy Director may then designate an arbitrator who will schedule a meeting.
7. At the start of the meeting all parties must agree that the decision of the Commissioner or the designee is final.
8. The meeting will then review the conflict, and the Commissioner or designee will issue a decision within one week.

EXPECTED CONDUCT BY MEMBERS OF THE PUBLIC AT COMMISSION-RELATED EVENTS

Code of Conduct

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

1. Members of the public are encouraged to attend and participate in meetings of the Commission as well as community events organized or supported by the Commission.
2. Members of the community, especially persons living with HIV, are strongly encouraged to attend and actively participate in any jurisdictional (DC, MD, VA and WV) community-focused meetings. These community-based meetings are an integral part of the Commission process.
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-Commission 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 Commission meetings and events. Members of the public are expected to comply with the times and means for comment and input established by the Commission.
5. The Agenda for each monthly Commission Meeting including specific issues to be considered will be posted on the Commission website seven (7) days prior to the meeting.
6. Members of the public may submit written comments that will be distributed to all Commission 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 Commission 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 Commission. Members of the public wishing to offer comments at a given meeting must submit a written or email request to the Commission's Community Co-Chair or Commission Coordinator at HAHSTA no later than close of business on the Monday before the monthly Commission 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 Commission consideration and action at the particular meeting.
8. Time constraints prevent having members of the public participate in Commission 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 Commission has no role in procurement or in monitoring the performance of specific service providers, and that concerns related to services provided by specific agencies should be addressed to the Recipient/Grantee, not the Commission.

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 Operations 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 Commission's Grievance Policy and Procedures.

CODE OF CONDUCT AFFIRMATION AND PLEDGE

(Adopted by Commission [DATE])

Purpose and Scope

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

The Code of Conduct is designed to ensure appropriate behavior at Commission and committee meetings as well as other events conducted by and associated with the Commission. Provisions of the Code of Conduct are designed to ensure that the Commission 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 Commission 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 Government Co-Chair or Community Co-Chair or a member of the Executive Operations 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 measures up to and including removal from the Commission being taken against me.

Any perceived violation of the Code of Conduct is to be addressed by the Commission Chair, Community Co-Chair, Committee Chair and/or Executive Operations 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 Commission'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 Washington, DC Regional Planning Commission on Health and HIV.

_____	_____	_____
Print Name	Signature	Date
Member of: ___ Commission		
___ Standing Committee: _____		
___ Sub-committee: _____		
___ Task Force: _____		
_____	_____	_____
Witness - Print Name:	Signature	Date
Government Co-Chair		

APPENDIX B: CONFIDENTIALITY POLICY AND PLEDGE

(Adopted by Commission [DATE])

I, the undersigned member of the Washington, DC Regional Planning Commission on Health and HIV or one of its standing committees, subcommittees or task forces, hereby affirm that my position as a Commission 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 Commission carries out its mandated responsibilities.

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

This includes holding in confidence the personal experiences or concerns and other sensitive information shared by any members of the Commission or its committees, subcommittees or task forces or otherwise obtained because of my Commission membership. I will help to ensure that in minutes or reports posted on the Commission's website, personal information shared in a committee, working group, or Commission meeting – with special emphasis on information shared at any community-focused meeting – 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 Government Co-Chair or Community Co-Chair or a Commission 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 Commission. Any perceived violation of the Commission's Confidentiality Policy is to be addressed and resolved using the Commission'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

Member of: ___ Commission
 ___ Standing Committee: _____
 ___ Sub-committee: _____
 ___ Task Force: _____

_____	_____	_____
Witness - Print Name:	Signature	Date

Government Co-Chair

APPENDIX C: CONFLICT OF INTEREST POLICY

(Adopted by Commission [DATE])

CONFLICT OF INTEREST POLICY

"The Commission is bound by the legislative requirements of the Ryan White HIV/AIDS Treatment Extension Act of 2009 ("CARE Act") which expressly prohibits Commission 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 Commission Bylaws as *"an interest by a Commission member in an action that may result in personal, organizational, or professional gain."* The conflict of interest may be actual or perceived. Therefore, any Commission member who is aligned with or who has a family member aligned 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 aligned 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.

- **"Aligned"** 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 Commission 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.

1. Each Commission member must file a new or updated Conflict of Interest Disclosure Form by March 1st of each year. Those with no conflict of interest must prepare a form with the notation "NONE", sign, date and submit said form. Commission members will be able to submit the required form at the February Commission meeting immediately before the March 1st deadline. Members absent from that meeting will be responsible for completing and filing a form on or before the deadline.
2. Forms are to be submitted to the Commission Coordinator at HAHSTA. The Coordinator will ensure proper distribution of each form to (1) the Mayor's Office of Talent and Appointments in the Executive Office of the Mayor of the District of Columbia, CEO of the EMA; (2) Government Co-Chair and Community Co-Chair; (3) 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.
3. If the member's affiliation changes, the member must submit a revised declaration form within 30 days of the effective date of the change.
4. 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.

5. At the beginning of each meeting of the Commission, the Government Co-Chair or Community Co-Chair presiding shall direct all members to state (1) their names, (2) jurisdictions, (3) membership categories and (4) any Part A funded service category(ies) for which there is a conflict of interest. Any aligned member with a potential conflict of interest must verbally disclose such at the beginning of any affected discussion.
6. Upon disclosure of affiliation and conflict of interest(s), Commission members may engage in discussion of issues pertinent to the types of services provided by their agencies but must comply with the limitations imposed and specified below.
7. An aligned Commission member may not make or second a motion on issues directly related to services provided by their agency.
8. An aligned Commission member may not vote on issues directly related to services provided by their agency.
9. During priority setting, resource allocation, directive formulation, or reallocation of funds, an aligned Commission member may not initiate discussion about service category(ies) in which they have a conflict of interest.
10. During priority setting, resource allocation, directive formulation, or reallocation of funds, an aligned Commission member may not vote on a motion involving a service category(ies) in which they have a conflict of interest.
11. During priority setting or resource allocation, an aligned Commission 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.
12. The obligations of Commission members under the Conflict of Interest Policy shall extend to any discussions with other Commission Members regardless of location.
13. Any perceived violation of the Commission's Conflict of Interest Policy and Procedures is to be addressed and resolved using the Commission's Grievance Policy and Procedures.

CONFLICT OF INTEREST FORM [COPY FOR REFERENCE]

NOTE: Please complete this form and return it to the Commission Coordinator.

The Washington, DC Regional Planning Commission on Health and HIV; in order to ensure the objectivity of all of our decision making processes and to avoid conflicts of interest from disrupting this process, requires all Commission and Comprehensive Planning Committee members to disclose any personal, professional or volunteer affiliations with any entity or individual currently providing or interested in providing any Ryan White Part A service.

Affiliation will include but is not limited to:

- Employment with a service provider as a full time, part time, or per diem staff person;
- Employment with a service provider as a paid consultant;
- Volunteer assignment with a service provider;
- Board member assignment, Advisory Committee member, etc. with a service provider;
- Professional relationship with the priority setting or resource allocation process (e.g. recipient/administrative agent employees).

The above will also include the involvement of any family member, significant other or business associate in a similar capacity as stated above.

DECLARATION OF ALIGNMENTS POSING POSSIBLE CONFLICT OF INTEREST

DIRECTIONS: In the space provided below please disclose any affiliations that could be perceived as Conflicts of Interest:

I, _____, hereby affirm that I have received, read, accept and will comply with the current Conflict of Interest Policy adopted by the Washington, DC Regional Planning Commission on Health and HIV and approved by the Mayor's Office of Talent and Appointments in the Executive Office of the Mayor of the District of Columbia, the CEO of the EMA. If my affiliation changes, I will complete and file an updated Conflict of Interest Disclosure Form within thirty (30) days of the effective date of the change.

I and/or a family member am/are aligned with the following organization(s) applying for or receiving funds authorized under Part A of the Ryan White Treatment Extension Act of 2009.

Organization Name: _____ **Position:** _____

Name: _____ **Relationship to Member:** _____

Ryan White Part A Service Categories: _____

Organization Name: _____ **Position:** _____

Name: _____ **Relationship to Member:** _____

Ryan White Part A Service Categories: _____

Signature: _____

Printed Name: _____ **Date:** _____

APPENDIX D: EXPENSE REIMBURSEMENT POLICIES

(Adopted by Commission [DATE])

EXPENSE REIMBURSEMENT POLICY FOR COMMISSION MEMBERS

Intent of Policy as explained in Regulations & Guidance

“One of the greatest obstacles to PLWH involvement in Commissions is the financial cost of participation. Costs of attending Commission meetings may involve transportation, child or dependent 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: HRSA HIV/AIDS Bureau (HAB) - Ryan White HIV/AIDS Program Part A Manual – Revised 2013, P. 129**

Policy

The Expense Reimbursement Policy of the Washington, DC Regional Planning Commission on Health and HIV (COHAH) exists, first and foremost, to remove financial barriers to participation that would preclude unaligned PLWH and other community members on fixed or limited incomes from participating in and contributing to the work of the Commission. Aligned PLWH and other members associated with organizations are expected to rely primarily upon their respective groups for reimbursement and support, and turn to the Commission 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 Commission Bylaws, only appointed and sworn Commission members are eligible for reimbursement of expenses.

Generally, expense reimbursement is provided only for unaligned PLWH members of the Commission. Ryan White funds cannot be used to reimburse expenses of non-members to attend Commission meetings as observers. However, the Commission can reimburse actual meeting expenses for unaligned PLWH who serve on committees or task forces or make requested presentations to the Commission.

Unaligned PLWH Commission members are eligible to request reimbursement for certain Commission-related expenses. When circumstances merit, low-income aligned PLWH Commission members and unaligned non-PLWH Commission 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 Commission 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 Commission 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

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 Commission or community events at which participation supports Commission goals and is related to the member's Commission 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 01/01/18) \$0.545 per mile. This rate is changed and published annually in January. <https://www.gsa.gov/portal/category/26429>
- c. For mileage reimbursement, members must provide the required information on the standard travel reimbursement form (date, from/to locations, miles traveled, meeting or event including purpose if unclear as well as the printout from a mapping service (i.e., google maps) to confirm mileage accuracy.

4. Parking

- a. The Commission provides reimbursement for parking costs necessary to attend meetings or activities sponsored by the Commission or community events at which participation supports Commission goals and is related to the member's Commission responsibilities.
- a. A detailed (date and time stamped) 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. Reimbursement is permitted only if a licensed or registered child care provider is used to deliver intermittent care.
- c. Reimbursement cannot be made for payment to a relative or family member.
- b. A detailed, dated receipt must accompany requests for child care reimbursement.

6. Other expenses:

- a. Members may be reimbursed for other reasonable expenses incurred solely as a result of preparing for or attending a meeting or activity sponsored by the Commission.
- b. Commission 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. Commission members are responsible for confirming their eligibility for reimbursement with the Commission Staff prior to incurring expenses. Any disputes are to be brought to the Government Co-Chair of the Commission.

2. Members must complete a W-9 and a Reimbursement Request Form in order to receive reimbursement. Forms are available from Commission Support Staff.
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 Commission Staff by the 10th of the month following the month expended.
5. Reimbursement requests for all other allowable expenses are to be submitted to the Commission Staff as incurred throughout the month but no later than at the full Commission Meeting in the meeting during which they were incurred. Such meetings are normally held on the 4th Thursday of the month.
6. Commission Staff may request additional information needed to process a request.
7. Commission Staff reviews and processes the request in a timely manner.
8. For reimbursement requests submitted by the deadlines identified above and with required documentation, Commission members will receive reimbursement payments within 60 days.

REIMBURSEMENT POLICY FOR NON-MEMBER PLWHs AND CAREGIVERS WHO PARTICIPATE IN COMMISSION COMMITTEES

Purpose

The Washington, DC Regional Planning Commission on Health and HIV strives to maximize community input, especially that provided by PLWHs, into Commission information gathering and decision-making. The Commission realizes that many PLWHs 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 Commission work. Meeting attendance alone or even making comments do not constitute “participation.”

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

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

Non-Commission PLWH Eligibility for Reimbursement

1. **PLWHs who are not appointed Commission members are eligible for reimbursement for participation in Standing Committees if they meet the following requirements:**
 - a. They provide proof of 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 Commission policies and procedures, including attendance mandates.
 - d. They attend and participate in at least two-thirds of the committee meetings.

Reimbursable Expenses

1. 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 Commission or community events at which participation supports Commission goals and is related to the member's Commission 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 01/01/18) \$0.545 per mile. This rate is changed and published annually. If multiple riders travel together in one vehicle, only the driver of the vehicle is eligible to request reimbursement.
- c. For mileage reimbursement, members must provide the 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.
- d. Reimbursement via Metro Bus, Metro Rail and taxi are also reimbursable based upon costs incurred and presented on the appropriate expense reimbursement form with detailed, dated receipt.

2. Parking

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

Administrative Process

1. 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.
2. Members must complete a Reimbursement Request Form in order to receive reimbursement. Forms are available from Commission Support Staff.
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 Commission staff by the 10th of the month following the month expended. For reimbursement requests submitted by the deadlines identified above and with required documentation, reimbursement will be received within 60 days.

APPENDIX E: GRIEVANCES

(Adopted by Commission [DATE])

GRIEVANCE POLICY AND PROCEDURES

Section 1 – Legislative Requirements

These grievance procedures are designed to meet the following legislative requirements: Section 2602 (b)(6) of the Ryan White HIV/AIDS Treatment Extension Act of 2009 requires Commissions 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 Commission and be consistent with model grievance procedures developed by HRSA. HRSA expects Commission and Recipient/Grantee grievance procedures to be coordinated.

These grievance procedures cover Commission 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 at the end of this Appendix.

Section 3 – Purpose

The Commission’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 Commission 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

Commission 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 Commission

Section 5 – Eligible Grievances

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

- a. Deviations from the Commission’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 Commission 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 Commission 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 Commission 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 Commission recognizes that the best way to deal with grievances is to prevent them. The Commission 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 Commission members and affected parties.
 3. Training for new Commission members and refresher training for all Commission members prior to the PSRA process each year, to ensure that they understand and are prepared to follow PSRA and other Commission 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 Commission 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 Commission.
 7. Clear instructions to Commission 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 Commission 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 Commission’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 Commission Community Co-Chair directly or through the Commission support staff.

2. In order for the informal process to have time to work, the affected party must make contact with the Commission 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 Government Co-Chair will designate the Community Vice Chair or another Executive Operations 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 Government Co-Chair or other Executive Operations Committee members as needed. Where possible, the concerns will be resolved through this discussion. The Community Co-Chair may not make commitments that require Commission approval, but may agree to bring concerns to the Commission or the appropriate committee and will summarize the discussion in writing and provide the report to the Government Co-Chair and to Commission 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 Executive Operations Committee. 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 Commission staff offices by U.S. mail with return receipt requested, electronic mail (with electronic signature), fax, or personal delivery during normal working hours. Commission 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. Commission support staff will provide copies of the grievance to the Commission Co-Chairs within two (2) working days after receipt.

Section 10 – Internal Review and Hearing

- a. The Government Co-Chair and Community Co-Chair shall review the grievance with the Executive Operations 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 Operations Committee shall replace them in this process. If necessary, one or more other Commission 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 Commission 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 Executive Operations 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 Commission members that have no conflict of interest or personal bias on this issue. A member of the Executive Operations Committee, or if necessary another Commission member not on the Executive Operations 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 Government Co-Chair and Community Co-Chair or Executive Operations 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. The form may be delivered to the Commission 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 Commission 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. Commission 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 Commission 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 Commission 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 Commission 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 Commission or may ask another member of the grievance review panel to represent the Commission 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 Commission 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 Commission staff. The completed form must be received by Commission staff within ten (10) working days after the mediation ends. It may be submitted to the Commission 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. Commission staff shall log in the request for arbitration, and, within two (2) working days after receipt, shall inform the grievant and the Executive Operations Committee Chair that the request has been received.
- c. Commission 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 Commission representative shall each approve the arbitrator or request a different arbitrator if the grievant or Commission representative grievance is acquainted with the arbitrator or questions the 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 Commission 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 Commission 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 Commission 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 review 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 Commission 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 Commission 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 Commission 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 – Commission Action Following Resolution of Grievances

Following any agreement reached regarding a grievance against the Commission, the Grievance Review panel shall report to the Executive Operations Committee and then to the full Commission 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 Commission to fully meet these terms and to avoid similar situations in the future. The Commission 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.
 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 Commission Grievance Review panels shall share with the Commission 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 Commission can take appropriate action to resolve issues that led to the grievance. No identifying information shall be provided.
 3. The Grievance Review panel shall summarize to the Executive Operations Committee and full Commission the resolution of a grievance and the action required of the Commission 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 Commission 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 Recipient/Grantee

The Commission shall inform the recipient/grantee whenever a grievance is received, and shall keep the recipient/grantee informed about the status of each grievance.

GRIEVANCE POLICY & 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.

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 Commission or Recipient/Grantee decision with respect to funding.

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