



The By-Laws of the Dutchess County HIV Health Services Planning Council

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BY-LAWS OF THE DUTCHESS COUNTY HIV HEALTH SERVICES PLANNING COUNCIL

The Health Resources and Services Administration (HRSA) Ryan White HIV/AIDS Program was enacted in 1990, and reauthorized in 1995, 2000 and 2006. This federal funding provides services to persons living with HIV Disease (PLWH). In 1995, Dutchess County was designated as an eligible area to receive funding through the Ryan White Program. County Executive William R. Steinhaus appointed the Dutchess County HIV Health Services Planning Council as the planning body for the use of the Ryan White awarded funding. The Dutchess County Department of Health is the Administrative Agency for the grant.

Mission

The Dutchess County HIV Health Services Planning Council creates an effective compassionate and comprehensive system of health care and other support for people living with HIV/AIDS in Dutchess County.

Vision

The Dutchess County HIV Health Services Planning Council will ensure a comprehensive, well-integrated system of care that is characterized by universal, barrier-free service access; that is flexible and adaptable; that is responsive to changes in the epidemic that result in changing needs; and that is comprised of service providers with specific training and expertise in HIV/AIDS so that they may best serve our communities.

Values

The continuum of care for individuals infected and affected by HIV and AIDS in Dutchess County will be characterized by services that:

- ◆ Treat all people with compassion and respect;
- ◆ Ensure equity of access to services for all residents of the county;
- ◆ Support the right to self-determination for all those infected with HIV;
- ◆ Deliver services in a culturally competent manner; and
- ◆ Promote accountability as the cornerstone of our service delivery system.

I. Planning Council Duties

- a. Assess the needs of HIV infected individuals in Dutchess County (needs assessment);
- b. Establish service priorities for the allocation of funds and allocate such funds within the eligible area (priority setting and resource allocation);
- c. Develop a comprehensive plan for service delivery (comprehensive services plan);
- d. Collaborate with other public health programs to fill the service gaps in the eligible area; and
- e. Evaluate the efficiency of the administrative agency.

II. Membership

- a. Members must live or work in Dutchess County.
- b. **Full Council Membership Composition** - The Council will be comprised of 15~21 Full Council members who are representative of the diverse Dutchess County population, including those categorical representatives mandated by the federal Ryan White Act. At least 33% of the Planning Council members must be PLWH.
- c. **Full Council Membership Representation** - The Council will maintain standing Full Council members representing: Dutchess County Executive, Dutchess County Department of Health, and New York State AIDS Institute. Standing members have no term limits. The remaining members are elected as representatives of their constituencies and as individuals. A proxy may be assigned in place of a member and fulfills the attendance requirement.
- d. **Full Council Membership Nomination** - Full Council membership nominations are submitted or referred to the Membership Committee for consideration. Individuals who wish to participate as Full Council members must attend at least three consecutive meetings prior to applying for Full Council membership. The nomination will be approved by the Full Council by vote and be submitted to the County Executive's office for consideration for appointment.
- e. **Full Council Membership Term** - Full Council members may serve for a term of three years and no more than two consecutive terms, but may be re-appointed following a one-year hiatus. A member may resign at any time with written notice to the Planning Council chair.

- f. **Full Council Membership Removal** - A recommendation to the County Executive for the removal of a member whose behavior is counter-productive to the purpose of the Council should be made only after a Full Council vote (two-thirds majority), with written notice to the membership that such vote will be held. Any member feeling unfairly removed will have the opportunity be heard at an Executive Committee meeting.
- g. **Full Council Membership Attendance** - Any Full Council member, other than a representative from the infected or affected communities, the representative of the NYS AIDS Institute and the County Executive's office, are expected to attend all Full Council meetings and be on at least one standing committee. Full Council members who are absent from three consecutive meetings or more than half the meetings in a year without excuse will be sent a written notice by the Membership Committee. If the Membership Committee receives no reason of absence within one month, the membership status will then be decided by a majority vote of the Council.
- h. **Committee Membership** - Committee membership is open to individuals who reside or work in Dutchess County. Individuals who wish to participate as committee members must attend at least three consecutive committee meetings prior to applying for committee membership. Nominations will be approved by each individual committee. Members should attend at least two meetings a quarter and follow rules and regulations of the Council By-Laws that apply to Full Council members to maintain committee membership.

III. Officers

- a. The Planning Council consists of one chair and one vice-chair. The chair will be appointed by the County Executive, with recommendation of candidates from the Executive Committee. The vice-chair will be appointed by the Executive Committee, from the existing Full Council membership.
- b. Chair and vice-chair have terms concurrent with their appointment to the Council.
- c. Chair will lead the Council in a fair and neutral manner. The chair reports to the Full Council on the actions of the Executive Committee. In the absence of the chair, the vice-chair shall lead the meetings.

IV. Meetings

- a. **Full Council Meetings** -The Full Council will meet at least six times each calendar year. Special meetings may be called by the Chair or upon petition of any seven members of the Council with notification of the Chair. A meeting will be scheduled at least one week in advance, at least one week written notice should be given to Full Council members. Meetings are open to the public. The records,

reports, minutes, agenda or other meeting-related documents will be made available at and after the meeting for public review.

- b. There will be a portion of each regularly scheduled meeting during which the public may comment on any items on the agenda for that meeting. The Council may set the duration of the public portion of the meeting as well as the limit on the number of speakers and the time allotted to each.
- c. When parliamentary procedures are not covered by these Bylaws, “Roberts Rules of Order” shall prevail.
- d. Meetings will be held at such time and place deemed appropriate by the Council.

V. Voting And Decision-Making of the Full Council and its Committees

- a. A quorum of 51% of the membership must be present for all votes.
- b. With a written proxy, a Full Council member may assign another Full Council member to vote in place of him/her. With written proxy, a committee member may assign another committee member or full council member to vote in his/her place.
- c. Electronic participation will enable members at offsite locations to vote provided they can participate in such discussion of the issue being voted on.

VI. Council Committees

The Council will consist of standing and Ad-Hoc committees. All committees will be chaired by a full member of the Council, approved by the Executive Committee. Committees should have PLWH representation from the community or the Full Council. All committees must have a listing of members, representation and attendance at meetings, except for the PLWH Advisory Group, which only needs to tally the number of persons attending meetings. All committee Chairs are required to ensure preparation of minutes of meetings and distribution to all its members and the full Council.

- a. **Executive Committee** - The Executive Committee is responsible for ensuring the orderly and integrated progression of the Council’s work. The Committee oversees the operations of the Council and recommends amendments to the By-Laws as appropriate. It is composed of the Council chair and vice-chair, chairs from each committee, the County Executive’s representative and Dutchess County Department of Health representative. It may appoint other members when it deems necessary.
- b. **PLWH Advisory Group** - The PLWH Advisory Group will structure its work to assure the coordination of diverse PLWH input into the activities of all other committees and at the regular meetings of the Council. It will promote diverse

PLWH input on the assessment, planning and evaluation of the Dutchess County Ryan White awarded funding.

- c. **Planning/Allocation Committee** - The Planning/Allocation Committee is responsible for conducting needs assessment, creating and updating the eligible area's Comprehensive Services Plan for HIV/AIDS services, setting service priorities and allocating funds.
- d. **Evaluation Committee** - The Evaluation Committee is responsible for assessing the efficiency of the administrative agency's mechanism in allocating funds to service providers, as well as assessing the impact of Ryan White awarded funds and programs of the eligible area. It evaluates and summarizes service data and creates the eligible area's Standards of Care in collaboration with the grantee's quality management program.
- e. **Membership Committee** - The membership Committee recruits and sustains a diverse Council membership that is reflective of the various communities impacted by HIV/AIDS within the eligible area. The Committee identifies training needs of Council members and plans for orientation and appropriate membership training.

VII. Conflict of Interest

- a. Members of the Council and its committees will comply with federal, state and local regulations of the County concerning conflicts on interest.
- b. No member should take action directly or in an advisory capacity to influence the conduct of the Council in such a way as to confer any financial benefit on such member or any unincorporated association to which he/she belongs.
- c. In the event that a matter which raises a potential conflict of interest comes before the Council or its committees for consideration, recommendation or decision, the member should disclose the conflict of interest as soon as he or she becomes aware of it.
- d. Every member should provide the Council with an updated conflict of interest disclosure statement once every twelve months.
- e. Responsibility to address conflicts of interest affecting Council members shall be vested in the Chair or such person or persons as they may designate. If a conflict of interest involves Council Chair or Vice-Chair, responsibility for addressing such conflict should be vested in the Dutchess County Executive or his/her designee.

VIII. Confidentiality

No member of the Council and Committees should disclose confidential information acquired in the course of his/her official duties, nor should he/she use such information to further the financial or other private interests of himself or others except to the extent their disclosure is necessary to fulfill responsibilities as required by law. Confidential information should include, but not be limited to:

- a. Information concerning the medical condition, substance abuse history, or sexual orientation of any individual, whether a member of the Council, its committees or the recipient of a service provided with Ryan White awarded funds.
- b. All confidentiality requirements must be in compliance with New York State HIV Confidentiality Law (Article 27F) and with New York State Public Health Confidentiality Law (Article 27A).

IX. Grievances

Individuals or entities in Dutchess County affected by the outcome of official Council decisions, as described in Appendix A, may grieve such decisions. Affected parties may include Planning Council members, persons living with HIV and consumer groups. The above said individual or entity may bring a grievance in accordance with the procedures described in Appendix A.

X. Amendments

- a. Amendments to the By-Laws must be approved by a two-thirds majority of the members present at any meeting at which a quorum is present.
- b. Materials regarding the amendment must be distributed to members for review a minimum of three weeks prior to voting.

XI. Appendix

- a. Grievance Policy and Procedures (attached).

Appendix A

Dutchess County HIV Health Services Planning Council Grievance Policy and Procedures

Policy Statement

It shall be the policy of the Planning Council to attempt to resolve grievances regarding Council decisions through informal dispute mechanisms, including appropriate use of Council subcommittees and facilitated mediation. The Planning Council Chair, Support Staff, and Planning and Allocations Committee Chair shall attempt to informally resolve disputes by providing information to or arranging meetings with entities dissatisfied with adherence to Planning Council processes. Grievants are expected to cooperate with the Planning Council in efforts to resolve the disagreement before formal grievance procedures are pursued. The purpose of the grievance procedure is to provide an equitable and amenable solution to conflicts which arise through the conduct of Planning Council business.

Eligible Grievances

A challenge to Planning Council's funding decisions includes a complaint on how funding priorities are established, how needs are assessed, the comprehensive planning process, or why funds are allocated to various service categories.

Eligible Grievants

Entities directly, adversely affected by alleged deviations from Planning Council processes related to the federal Ryan White funds. These entities are limited to:

- service providers eligible to receive Ryan White awarded funding
- infected/affected individuals

Procedure

The Executive Committee will serve as a neutral body to resolve conflicts which arise. Nothing in these procedures is to be interpreted as giving the Executive Committee the responsibility to protect any agency, the administrative agency, or the funding process. The procedure shall be applied in such a way as to assure a fair opportunity for presenting and resolving the complaints and grievances of the grievant. For definitions of terms used in this document, please see the attached list. A grievant shall not be discriminated against nor suffer retaliation as a result of filing a grievance in good faith, nor as a result of participation in the investigation of a grievance.

1. Committee Conflict of Interest

- a. A member of the Executive Committee must be free of an apparent conflict of interest in order to participate in a particular grievance proceeding. If there is an apparent conflict of interest, the member must remove herself or himself from participating in the grievance procedure relating to the grievant. The Executive Committee may vote to exclude a member if apparent conflicts are raised by the grievant.
- b. A member has a conflict of interest if the member is affiliated with the grievant. Affiliation is defined as, but is not limited to, staff member, board member, volunteer, contractor, or owner.

2. Representation

- a. In exercising the rights and remedies under this grievance procedure, grievants may present a grievance, either individually or through a representative. The representative may assist grievants in the preparation of their written grievance and present the grievance at the grievance hearing. However, nothing in these procedures requires the Executive Committee to send its written responses to or notices on a grievance to a grievant's representative rather than the grievant.
- b. While the grievants are free to have a representative of their choice, there is no provision for the Planning Council to pay compensation to or reimburse the expenses of a representative.
- c. Grievants electing representation must designate their representative in writing on the grievance form at the time the grievance is filed. In all cases, all parties, including the representative, must conduct themselves in a professional manner and afford the persons present due respect. The failure to do so shall be grounds to terminate the grievance hearing, in which case the grievance will be decided on the basis of the written grievance and the information obtained prior to the termination of the hearing. Repeated or gross misconduct by an individual shall also be grounds to disqualify that individual from participating in future grievance hearings.

3. Grievance Steps

- a. All grievances must be submitted on the grievance. If grievants anticipate relying on the testimony of witnesses to support their grievance, they shall list the witnesses and give a brief summary of their testimony as an attachment to the grievance form. The grievance form is to be used by the grievants and the Executive Committee in all grievance procedures.
- b. Grievants must submit the signed, completed, original grievance form to the Planning Council Office within thirty calendar days of the occurrence giving rise to the grievance or within thirty calendar days of their first learning of the occurrence if it was not reasonable for them to have had knowledge of the occurrence sooner.
- c. When a grievance is filed against the Planning Council's decisions or over continuing conditions, the Planning Council Support Staff shall send a copy of the filed grievance to the Executive Committee Chair, the Administrative Agency, and any other party named in the grievance. The steps will be conducted as follows:
 1. The grievance form shall be filed with the Planning Council Office.
 2. The Planning Council Support Staff shall send a copy of the filed grievance to the involved parties, Chair of the Executive Committee and the Administrative Agency.
 3. The Chair of the Executive Committee will determine who is qualified to vote and participate in the grievance process. If the Chair determines that there are not three voting members, the Chair of the Executive Committee will appoint additional members from the existing Full Council membership to serve with the Executive Committee for the purpose of the grievance.
 4. After receiving the grievance, the Executive Committee Chair shall schedule the date for a hearing within ten working days of receiving the grievance and shall notify the grievant of the time and the place. There must be a hearing by the Executive Committee before a recommendation for resolution is made. All efforts must be made for a speedy resolution and of the grievance. If so noted,

the Executive Committee will take transportation issues into consideration when selecting a location.

5. Grievants may elect to present their grievance individually or to have a representative present the grievances during the hearing.
6. The Executive Committee will respond in writing to the grievance within five working days after the hearing.
7. The Executive Committee shall recommend a resolution to the Planning Council and the grievants.
8. The decision of the Executive Committee shall be followed by the Planning Council.
9. If, after the Planning Council follows the recommendation by the Executive Committee, the grievant is dissatisfied with the action of the Planning Council, the grievant may file an appeal to the Commissioner of Health.
10. An appeal to the Commissioner of Health in the form of a letter must be filed within ten working days of the Planning Council's action.
11. The Planning Council shall act upon the Commissioner of Health's decision at the next Full Planning Council meeting whenever possible.
12. The decision of the Commissioner of Health is final. The Planning Council's grievance procedure is completed once the Commissioner of Health has responded to the grievance.

Grievance Hearing Rules of Conduct

1. The Executive Committee is required to allow grievants adequate time to fully present their issues and receive answers to their inquiries.
2. The grievance participants are encouraged to dialogue with one another and all members of the Executive Committee. The hearing is not to be set up as an adversarial process.
3. The grievants or the Executive Committee may request persons be present to witness the proceedings, especially the Administrative Agency's staff and Planning Council Committee Chairs.
4. If witnesses are called, the witness shall be questioned while the grievance participants are present.

General Provisions

1. All of the time limits set forth in this grievance procedure may be extended by mutual consent; however, the mutual consent must be in writing.
2. The grievance shall be considered closed if the Planning Council's action on the grievance is not appealed within the time limit or mutually agreed extension thereof.
3. The Executive Committee shall base its recommendation on the evidence presented either at the hearing, or in the written grievance, or both.
4. The Executive Committee shall have broad discretionary authority to investigate the grievance.

Witnesses

1. Grievants may send a list of requested witnesses to the Executive Committee Chair. The Chair is responsible for inviting the requested witnesses or representatives of the witnesses to the hearing.
2. The Chair has the authority to deny a request for a witness to be present. The grievant may raise the denial of the request at the grievance hearing for the Executive Committee to consider.
3. Planning Council members are encouraged to serve as witnesses and provide statements for the grievant and the Executive Committee when requested to do so.

Confidentiality

1. Members of the Executive Committee and any support staff shall sign confidentiality statements to ensure that the information gathered in the investigative process is held in confidence.

Recordings

The grievance procedure is intended to be a problem solving process for addressing grievances. The use of recorders in the grievance process creates a format and adverse atmosphere that is in direct conflict with the purpose of the problem solving approach. Recording (and reporters) may not be used in the grievance process including. As reasonable accommodation for a physical impairment, a grievant may use a qualified interpreter or a recorder.

Open Records

1. Once a grievance is filed, the grievant is entitled to review documents to support the grievant's claim and prepare for the hearing. The grievant must provide in writing a list of the documents requested. The request must be sent to the Planning Council Support Staff at which point it will be forwarded to the Chair of the Executive Committee. The Executive Committee will coordinate the Open Records request with the Administrative Agency.
2. The grievant shall be given the opportunity to review the documents requested at the Administrative Agency's office.

Failure to Appear

Barring exceptional circumstances, if the grievant fails to appear without notice to the Executive Committee at a scheduled hearing, no further action will be taken on the grievance.

Definitions

Executive Committee: is composed of the Council chair and vice-chair, chairs from each committee, the County Executive's representative and Dutchess County Department of Health representative. It may appoint other members when it deems necessary.

Grievant: is a person or entity seeking a resolution of a grievance.

Party: refers to one of the participants in the grievance process. This may include the grievant that brings the grievance action and the person, group or agency against which the grievance is brought.

Remedy: is a result sought by a grievant. It can include a process change or a reversal of a decision.

Representative: is a person sought by the grievant to act in their place during the grievance process.

**DUTCHESS COUNTY RYAN WHITE PROGRAM
SUBMISSION OF GRIEVANCE**

-----To be completed by receiving authority-----

Grievance #: _____ Signature of Receiving Authority: _____
Date: _____ Time: _____

Procedure designated by receiving authority: (To be completed by receiving authority)

- A. Planning Council Grievance Process
- B. Appeal to the Commissioner of Health

-----To be completed by Grievant-----

Procedure requested by submitting party(ies): (circle one)

- A. Planning Council Grievance Process
- B. Appeal to the Commissioner of Health (You must first complete A before requesting B)

Statement of Grievance: (must include date questioned decision/action was taken, by what entity, and the reasons for filing the grievance; use additional sheets as necessary)

Statement of Previous Action Taken: (The steps the grievant has taken to date to seek resolution including any offer of resolution and reasons for rejection; use additional sheets as necessary)

Statement of Remedy Desired by Grievant: (recommended solution or relief requested; use additional sheets as necessary) *Note that remedies may be limited to future action and may not be able to reverse decisions retroactively.*

<Continued on Following Page>

Name of Grievant: _____

If Grievant is an organization, name of authorized individual: _____

Address: _____

City/State/Zip Code: _____ / _____ / _____

Telephone Number: _____ Fax Number: _____

Signature: _____

Name of Responding Party: _____

If Responding Party is an organization, name of authorized individual: _____

Address: _____

City/State/Zip Code: _____ / _____ / _____

Telephone Number: _____ Fax Number: _____

Signature: _____

Please file 3 copies of this form to the Planning Council Support Staff:

Planning Council Support Staff
Dutchess County HIV Health Services Planning Council
29 North Hamilton Street, #221
Poughkeepsie, NY 12601
Tel: 845.452.8805
Fax: 845.452.8828
info@hivplanningdutchess.org

The Planning Council Support Staff shall notify the filing party of any determinations or decisions that are made.

DUTCHESS County Ryan White Program

GRIEVANCE PROCEDURE: CONFIDENTIALITY FORM

Name: _____

I the undersigned hereby affirm that:

- A) I have been informed and acknowledge that during the conduct of the dispute resolution process I may be the recipient of, or made aware of, information which is considered to be confidential;
- B) Any and all information provided (either in verbal, electronic, or written form) to me in fulfilling my role in this dispute resolution process shall remain confidential throughout the process and beyond; I also agree that I will not discuss this grievance with any parties which are not a part of this process; and,
- D) I understand that failure to comply with the confidentiality requirements of this process may result in my dismissal from the Planning Council and/or may subject me to such civil and/or criminal actions as may exist under New York law.

To be signed at the beginning of the dispute resolution process:

Signature: _____ Date: _____

To be signed at the conclusion of the dispute resolution process:

Signature: _____ Date: _____