

Tennessee Valley Continuum of Care Policies, Plans, and Procedures

Recusal/Conflict of Interest Policy		
Document Number: 1	Prepared by: Interim Governing Council	Print Date: January 21, 2014
Revision:	Reviewed by:	Review Date:
Effective Date:	Approved by:	Approved Date:

- I. **Subject:** Conflict of Interest/Code of Conduct Recusal Policy
- II. **Purpose:** To ensure that TN Valley Continuum of Care (TVCoC) is protected from involvement in a conflict of interest. This policy is intended to supplement, but not replace, any applicable state and federal laws governing conflicts of interest applicable to nonprofit and charitable organizations.
 - A. **Overview Definitions:**
 1. **Interested person** - Any governing council member, collaborative applicant, member of a committee with governing delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.
 2. **Financial interest** - A person who has a financial interest if the person has, directly or indirectly, through business, investment, or family:
 - a) An ownership or investment interest in any entity with which TVCoC has a transaction or arrangement,
 - b) A compensation arrangement with TVCoC or with any entity or individual with which TVCoC has a transaction or arrangement, or
 - c) A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which TVCoC is negotiating a transaction or arrangement.
 - d) Compensation includes direct or indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest. A person who has a financial

interest may have a conflict of interest only if the Governing Council decides that a conflict of interest exists, in accordance with this policy.

3. **Independent Governing Members** - A Governing Council member shall be considered “independent” for the purposes of this policy if he or she is “independent” as defined in the instructions for the IRS 990 form or, until such definition is available, the governing member:

- a) Is not an employee of TVCoC or any entity in which TVCoC has a financial interest;
- b) Does not directly or indirectly have a significant business relationship with TVCoC, which might affect independence in decision-making;
- c) Is not employed as an executive of another corporation where any of TVCoC Governing Council members or committee members or employees serve on that corporation’s compensation committee; and
- d) Does not have an immediate family member who is a Governing Council, committee member, or employee of TVCoC or who holds a position that has a significant financial relationship with TVCoC.

III. **Objective:** To protect the interests of the TN Valley Continuum of Care (TVCoC) when it is contemplating entering into a transaction or arrangement that might benefit the private interests of a Governing Council member, collaborative applicant, or voting member of TVCoC or might result in a possible excess benefit transaction.

IV. **Authority:** TN Valley Continuum of Care

V. **Procedure and Responsibilities**

- A. **Duty to Disclose** - In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the Governing Council in writing.
- B. **Recusal of Self** - Any Governing Council or Committee member shall recuse themselves at any time from involvement in any decision or discussion in which the council believes they may have a conflict of interest, without going through the process for determining whether a conflict of interest exists.

C. Determining Whether a Conflict of Interest Exists - After disclosure of the financial interest and all material facts, and after any discussion with the interested person, they shall leave the Governing Council or Committee meeting while the determination of a conflict of interest is discussed or voted upon. The remaining Governing Council or Committee members shall decide if a conflict of interest exists.

D. Procedures for Addressing the Conflict of Interest

1. An interested person may make a presentation at the Governing Council or Committee meeting, but after the presentation, they shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
2. The Chairperson of the Governing Council shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
3. After exercising due diligence, the Governing Council shall determine whether TVCoC can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
4. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the Governing Council shall determine by a majority vote (50% of voting members present plus one) of the disinterested council member whether the transaction or arrangement is in TVCoC's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

E. Violations of the Conflicts of Interest Policy

1. If the Governing Council or Committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such a belief and afford the member an opportunity to explain the alleged failure to disclose.
2. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the Governing Council

or Committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate corrective action.

VI. Records of Proceedings

1. The minutes of the Governing Council and all committees with delegated powers shall contain:
 - a) The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the Governing Council's decision as to whether a conflict of interest in fact existed.
 - b) The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the nature of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

VII. Compensation

1. A voting member of the Governing Council who receives compensation, directly or indirectly, from TVCoC for services is precluded from voting on matters pertaining to that member's compensation.
2. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from TVCoC for services is precluded from voting on matters pertaining to that member's compensation.
3. No voting member of the Governing Council or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from TVCoC, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

VIII. Annual Statements

1. Each Governing Council member and committee member with delegated powers shall annually sign a statement which affirms such person:
 - a) Has received a copy of the conflict of interest policy,
 - b) Has read and understands the policy,

- c) Has agreed to comply with the policy, and
 - d) Understands TVCoC is charitable and in order to maintain its federal tax exemption through the Collaborative Applicant must engage primarily in activities which accomplish one or more of its tax-exempt purposes.
2. If at any time during the year, the information in the annual statement changes materially, the Governing Council or committee member shall disclose such changes and revise the annual disclosure form.
 3. The Governing Council shall regularly and consistently monitor and enforce compliance with this policy by reviewing annual statements and taking such other actions as are necessary for effective oversight.

IX. Periodic Reviews

- A. To ensure TVCoC operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize the Collaborative Applicant's tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:
 1. Whether compensation arrangements and benefits are reasonable, based on competent survey information (if reasonably available), and the result of arm's length bargaining.
 2. Whether partnerships, joining ventures, and arrangements with management organizations, if any conform to TVCOC's written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in increments or impermissible private benefit or in an excess benefit transaction.

X. Use of Outside Experts:

When conducting the periodic reviews are provided for in Article VII, TVCoC may, but need not, use outside advisors. If outside experts are used, their use shall not relieve the Governing Council of its responsibility for ensuring periodic reviews are conducted.

IV. Cancellation

This policy supersedes all previous instructions.

Representative of Governing Council

Tennessee Valley Continuum of Care Policies, Plans, and Procedures

Monitoring Plan for ESG Recipients

Document Number: 2	Prepared by: Interim Governing Council	Print Date: January 21, 2014
Revision:	Reviewed by:	Review Date:
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- I. **Policy:** Monitoring Plan for Emergency Solutions Grant (ESG) Recipients
- II. **Purpose:** To enact a procedure and responsible entity (collaborative applicant) to monitor ESG recipient compliance with Housing and Urban Development (HUD) and TN Housing and Development Agency (THDA).
- III. **Objective:** To ensure that agencies receiving ESG funding are educated and monitored on how to be responsible for ESG guidelines.
- IV. **Authority:** TN Valley Continuum of Care (TVCoC) and Collaborative Applicant.
- V. **Procedures and Responsibilities:**
 - A. On a quarterly basis, the Homeless Management Information System (HMIS) Administrator will monitor each ESG provider within the TVCoC by establishing the following procedures and responsibilities:
 1. Compliance with HMIS requirements (requirements recommended for all agencies, unless otherwise exempt e.g.: agencies who serve victims of domestic violence), which include:
 - a) Timeliness of data entry – within 3 days of entry into program as required by regulations.
 - b) Client count in case files matches HMIS entry.
 - c) Data elements do not exceed 5% of “Missing” or “Data not collected,” which include: first name, last name, social security number, date of birth, race, ethnicity, gender, veteran status (adults only), disabling condition, residence prior to program entry, ZIP code of last permanent address, housing status at entry, and exit destination.

- d) Prior residence and housing status are verified.
- e) All family members are reported.
- f) Any applicable paperwork/files match HMIS case files.
- g) Dates in file match dates in HMIS.
- h) Case management services are documented via HMIS.
- i) HMIS Release of Information is on file and documented in HMIS.
- j) HMIS security measures are compliant with HMIS Security Checklist and requirements.

B. General guidelines requirements (recommended for all agencies, unless otherwise exempt e.g.: agencies who serve victims of domestic violence)

1. The CoC HMIS administrator shall conduct the quarterly monitoring.
2. During the monitoring, each agency will provide access to client files, policies and procedures, and other documentation as required.
3. Monitoring can be conducted through a random sampling of case files that accurately represent each population served.
4. The agency shall be provided with a monitoring report that details any areas of concern that were noted during the monitoring, along with dates to have necessary items corrected.
5. Monitoring reports if problematic or non-compliant shall be shared with the Governing Council of the TVCoC in the month following the quarterly monitoring finding the deficits.
6. If necessary based on the monitoring report, additional monitoring dates shall be scheduled by the HMIS Administrator if deemed necessary by the Governing Council.
7. In the event that an agency does not comply with program requirements and does not respond to improvement plans/make improvements, said agency will not receive CoC compliance letters for the next funding cycle and the funder shall be notified.

VI. Cancellation

This policy supersedes all previous instructions.

Representative of Governing Council

Tennessee Valley Continuum of Care Policies, Plans, and Procedures

Governing Council Selection Policy		
Document Number: 3	Prepared by: Interim Governing Council	Print Date: January 21, 2014
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- I. **Policy:** Governing Council Selection Policy
- II. **Purpose:** To establish procedures for TN Valley Continuum of Care to impose a Governing Council selection process.
- III. **Objective:** To ensure that individuals are selected based upon majority vote of the TN Valley Continuum of Care who will best represent TN Valley Continuum of Care’s priorities to end homelessness.
- IV. **Authority:** TN Valley Continuum of Care (TVCoC)
- VII. **Procedure and Responsibilities:**
 - A. Selection of Governing Council members
 1. All Governing Council members shall be nominated by voting members of the CoC in good standing.
 2. CoC member in good standing with the CoC is defined as attending seventy percent (70%) of TVCoC meetings (TVCoC will have meetings monthly with the exclusion of December and inclement weather) with membership dues being up to date.
 3. Governing Council members will be voted in by a majority vote of those members in attendance at a CoC meeting.
 4. Terms of the Governing Council members will be one year, but limited to three consecutive terms, with elections occurring annually.
 5. Governing Council members may resign their positions at their request.
 6. In the event of a Governing Council member vacancy, the Governing Council may fill a vacancy on an interim basis until annual elections.

VIII. Cancellation:

This policy supersedes all previous instructions.

Representative of Governing Council

Tennessee Valley Continuum of Care Policies, Plans, and Procedures

Membership/Partnership Defined		
Document Number: 4	Prepared by: Interim Governing Council	Print Date: January 21, 2014
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- I. **Policy:** Membership/Partnership Defined
- II. **Purpose:** To define membership/partnership roles, criteria, and responsibilities.
- III. **Objective:** To explain the benefits of being a member/partner with TN Valley Continuum of Care (TVCoC) and collaborative applicant TN Valley Coalition for the Homeless (TVCH).
- IV. **Authority:** TN Valley Continuum of Care and Collaborative Applicant
- V. **Procedures and Responsibility:**
 - A. TVCoC membership is open to any community-based organization, individuals, government agencies, and homeless or formerly homeless persons willing to actively participate in long-term collaborative planning processes focused on issues of homelessness who operates or lives in the following 12 counties: Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Loudon, Monroe, Sevier, and Union. In order to become a member of the TVCoC, individuals or organizations must first become partners with TVCH by filling out a partnership packet and making a payment of dues. Dues will constitute a calendar year of membership, which begins January 1st and ends December 31st. Dues paid for a first time joining individual or organization after September 30 will cover membership for the next calendar year.
 - B. All members are required to review Conflict of Interest/Code of Conduct Recusal Policy and sign the Acknowledgment of Receipt.
 - C. Fee for individual partnership with TVCH is twenty-five dollars (\$25.00), while partnership fee for organizations is fifty dollars (\$50.00).

- D. All partners of TVCH, because they are therefore members of the TVCoC, have TVCoC voting rights. Voting rights constitute one vote per individual/organization. Yearly partnership applications for organizations must indicate employee designee regarding voting rights. Agency may also designate proxy(s) for voting during designee absence.
- E. Benefits of being a partner with TVCH will include:
1. Access to information about funding.
 2. Opportunities for training, outreach, and other services that will help agencies and organizations to expand and increase their ability to serve others (agency/organization only).
 3. Assistance with linking members/agencies with experts and resources.
 4. Advocacy to share the need for more regional funding, resources, and awareness regarding homelessness.
 5. Access to the Homeless Management Information System (HMIS) database and up to four licenses for free (agency/organization only).
 6. Free training on topics regarding case management, equity, HMIS use, reporting, etc.
- F. Responsibilities of members of TVCoC include:
1. Submit partnership form and fees to TVCH by January 30th of each calendar year.
 2. TVCH partners must invite one entity (individual or organization) per calendar year to attend and participate in the TVCoC. Members will notify TVCH of this invitation once it has occurred.
 3. If an agency/organization would like to be eligible for competitive funding (HUD CoC NOFO, ESG, etc.) that requires TVCoC support letters/verification, partners must:
 - a) Attend seventy percent (70%) of TVCoC meetings (held monthly with the exclusion of December and inclement weather). Any employee or volunteer designating themselves as representing an agency, will be counted for the agency's attendance purposes. Representing employee or volunteer shall notify CoC attendance keeper of their representation of said agency to ensure accurate attendance record is kept.

- b) Active participation in TVCoC meetings, which includes commitment to actively participate in one sub-committee of the TVCoC for a minimum of one year before and for the duration of the funding.
- c) Compliant participation in the Homeless Management Information System (HMIS).
- d) Provide assistance with preparation of the grant application for which the partner seeks funding from.

VI. Cancellation:

This policy supersedes all previous instructions.

Representative of Governing Council

Tennessee Valley Continuum of Care Policies, Plans, and Procedures

TN Valley Continuum of Care Governing Council Role

Document Number: 5	Prepared by: Interim Governing Council	Print Date: January 21, 2014
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- I. **Policy:** TN Valley Continuum of Care (TVCoC) Governing Council Role
- II. **Purpose:** To name and define the role and responsibilities of the Governing Council
- III. **Objective:** To explain the goal and purpose of the Governing Council
- IV. **Authority:** TN Valley Continuum of Care
- V. **Procedures and Responsibilities:**
 - A. TVCoC name was chosen by the members/partners on October 25, 2013.
 - B. The purpose of the TVCoC is to be the “planning network” which brings together public and private community based organizations, government representatives, and consumers to identify ways to serve the homeless by identifying gaps and proposing action to fill those gaps.
 - C. TVCoc serves the counties of: Anderson, Blount, Campbell, Claiborne, Cocke, Grainger, Hamblen, Jefferson, Loudon, Monroe, Sevier, and Union.
 - D. TVCoC membership is open to any community-based organization, individuals, government agencies, homeless or formerly homeless persons willing to actively participate in a long-term collaborative planning process focused on issues of homelessness. Invitation process for TVCoC will involve word of mouth by TVCoC members/partners, as well as advertisement/outreach via TVCH’s website, listserv, newsletter, and flyers,
 - E. Members of the TVCoC Governing Council may be selected from but not limited to the TVCoC membership pool and approved by majority vote. The Governing Council will consist of the executive committee members: one Chair, a Vice-Chair, Secretary, and Collaborative Applicant Representative. Additional members of the Governing Council must be members in good standing or

represent an agency that is a member in good standing. The TVCoC Governing Council may also include a consultant; however, this is not a requirement. The Governing Council must include one homeless or formerly homeless individual and represent the relevant organizations serving homeless subpopulations, such as persons with substance use disorders; persons with HIV/AIDS; veterans; the chronically homeless; families with children; unaccompanied youth; those with mental health conditions; and victims of domestic violence, dating violence, sexual assault, or stalking.

- VI.** All Governing Council members will be nominated by members of the TVCoC. Terms of Governing Council members will be one year, but limited to three consecutive terms, with elections occurring annually. In the event of a Governing Council member vacancy, the Governing Council may fill a vacancy on an interim basis until annual elections.
- VII.** The TVCoC Governing Council will manage the operations of the TVCoC and work in collaboration with the Collaborative Applicant (TVCH) to ensure that all requirements of operating a CoC are accomplished. The following are responsibilities of the Governing Council:
 - A. Oversee the operations of the TVCoC and its committees.
 - B. Review the bylaws annually.
 - C. Create policies for the TVCoC when needed.
 - D. Establish, coordinate, and disseminate monthly TVCoC meeting agendas.

VIII. Cancellation:

This policy supersedes all previous instructions.

Representative of Governing Council

Tennessee Valley Continuum of Care Policies, Plans, and Procedures

Emergency Solutions Grant TVCoC Subrecipient Policy

Document Number: 6	Prepared by: Interim Governing Council	Print Date: January 21, 2014
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I. Subject: Emergency Solutions Grant (ESG) TVCoC Subrecipient Policy

II. Procedure and Responsibility:

- A. TVCoC has adopted the Tennessee Housing Development Agency's (THDA) Emergency Solutions Grants Guide as a guide for all ESG subrecipients to follow.
- B. All ESG subrecipients shall be member agencies in good standing and attending 70% of TVCoC meetings. ESG subrecipients shall create, maintain, and comply with all policies and standards as required in the THDA Emergency Solutions Grants Guide, as well as abide by the TVCoC Monitoring Plan for ESG Subrecipients (Policy Document Number 2).
- C. ESG subrecipients shall submit their written standards to THDA for approval prior to accepting funds from their ESG contract. The subrecipients will forward a copy of the approved written standards to TVCH.
- D. Failure to comply with these procedures and responsibilities will result in an ineligibility to apply for future funding.

III. Cancellation:

This policy supersedes all previous instructions.

Representative of Governing Council

Records Retention Policy		
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Document Number: 7	Prepared by: Governing Council	Print Date: August 10, 2022
Revision:	Reviewed by:	Review Date:
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- I. **Policy:** Records Retention Policy
- II. **Purpose:** To set forth records retention expectations and requirements for the TN Valley CoC (TVCoC)
- III. **Objective:** To ensure the records produced by TVCoC are retained in a manner that is in accordance with 24 Code of Federal Regulations § 578.103
- IV. **Authority:** TN Valley Continuum of Care member agencies and Collaborative Applicant
- V. **Procedures and Responsibilities:**
 - A. The collaborative applicant must keep the following documentation related to establishing and operating a Continuum of Care:
 - 1. Evidence that the Board selected by the Continuum of Care meets the requirements of § 578.5(b);
 - 2. Evidence that the Continuum has been established and operated as set forth in § 578.5(b), including published agendas and meeting minutes, an approved Governance Charter that is reviewed and updated annually, a written process for selecting a board that is reviewed and updated at least once every 5 years, evidence required for designating a single HMIS for the Continuum, and monitoring reports of recipients and subrecipients;
 - 3. Evidence that the Continuum has prepared the application for funds as set forth in § 578.9, including the designation of the eligible applicant to be the collaborative applicant.
- VI. Each TVCoC member agency must keep documentation as outlined in 24 CFR § 578.103.

- VII.** All records pertaining to Continuum of Care funds must be retained for the greater of 5 years or the period specified below. Copies made by microfilming, photocopying, or similar methods may be substituted for the original records.
- A. Documentation of each program participant's qualification as a family or individual at risk of homelessness or as a homeless family or individual and other program participant records must be retained for 5 years after the expenditure of all funds from the grant under which the program participant was served; and
 - B. Where Continuum of Care funds are used for the acquisition, new construction, or rehabilitation of a project site, records must be retained until 15 years after the date that the project site is first occupied, or used, by program participants.
- VIII.** The Collaborative Applicant must provide citizens, public agencies, and other interested parties with reasonable access to records regarding any uses of Continuum of Care funds the recipient received during the preceding 5 years, consistent with State and local laws regarding privacy and obligations of confidentiality and confidentiality requirements in this part. Additionally, HUD, the HUD Office of the Inspector General, and the Comptroller General of the United States, or any of their authorized representatives must have the right of access to all books, documents, papers, or other records of the recipient and its subrecipients that are pertinent to the Continuum of Care grant, in order to make audits, examinations, excerpts, and transcripts. These rights of access are not limited to the required retention period, but last as long as the records are retained.
- IX.** All CoC member agencies are expected to have a records retention and confidentiality policy that meets or exceeds 24 Code of Federal Regulations 578.103.
- X. Cancellation:**
This policy supersedes all previous instructions.

Representative of Governing Council