

# **Best Practices**

**Texas Homeless Network**  
**200 E. 8<sup>th</sup> Street**  
**Austin, Texas 78701**  
[www.thn.org](http://www.thn.org)

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# Introduction

A major focus of the Texas Homeless Network is building the capacity of communities and agencies to provide more effective services to homeless people in their community. THN's website, newsletters and workshops provide technical assistance to service providers. This manual is an attempt to collect basic data and technical assistance for Texas service providers. The purpose of the manual is to help nonprofit organizations build the capacity of their organizations, so that more funds are available and better services can be provided.

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Texas Homeless Network welcomes additions and suggestions. THN would like to include more agency policies that model the suggestions and recommendations in this manual. Please send comments and sample policies to:

Texas Homeless Network  
200 E. 8<sup>th</sup> Street  
Austin, Texas 78701.

The Texas Homeless Network is committed to providing effective service to homeless people by providing information, resources, and technical assistance to homeless service providers in Texas.

# Mission Statement or Missing Statement

In the beginning, every organization had a reason for being created. Sometimes the reason was straightforward, simple, and clear. Others have a vague idea of some kind of role for an organization that generally fills some gap in service in the local community. Unfortunately, a few organizations are created for the wrong reason. For example, an individual may create an organization for self-promotion. Organizations that have are not well focused either change or die slow agonizing deaths.

What has become increasingly clear to those working for nonprofits is that organizations with a focused, straightforward reason for their existence are better able to maintain their vitality and enthusiasm for expansion, growth, and stability. That reason for existence is the mission of the organization. A written mission statement is crucial to the nonprofit organization. Well-run organizations review and rewrite the mission statement regularly to keep it alive. The mission statement is a tool for policy, management, and marketing. Without a vital mission statement, an organization is doomed forever to stay in the past or fade away.

## **The Mission Statement is Your Legal Reason for Existence**

The mission statement should be the primary reason that anyone be volunteers or works for a nonprofit. Each individual is employed because he/she wants to be part of the work, part of the mission of the organization. It is also the legal reason that the organization exists. If an organization does not perform its mission, the IRS can revoke its tax-exempt status under 501(c)3 of the Internal Revenue Code. Work outside the mission of the organization can even result in a tax liability for the organization.

Many organizations are in technical violation of their mission statement primarily because the mission statement has been forgotten. The “mission statement” has become a “missing statement.” A mission statement should be a written statement that accurately portrays the nonprofit as it exists now and as it will in the next three to five years.

## **Writing the Mission Statement**

Unless a nonprofit has not begun the process of becoming tax exempt, every nonprofit has a mission statement. It is required by law in any organization’s articles of incorporation and IRS tax exempt forms. It is highly recommended that an organization review its mission statement every three years. Review is an important part of an organization’s strategic planning process.

A good plan is to find the most recent mission statement. If there are multiple statements (perhaps in a variety of legal documents), review them all, in order to have one new statement for the organization.

In reviewing the statement, identify any changes in service or geographic area. Has anything changed about your organization since the most current mission statement was written?

At a special meeting or a board retreat, review the statement in detail:

- Is the statement inclusive of all current services?
- Does it reflect the organization’s core values?
- Does it restrict your flexibility?

One suggestion is that the board discuss the mission statement in general and designate a small group of people to write the actual statement. No matter what method the organization chooses to use, the board must formally adopt the mission statement. Copies, with minutes of the board action, must be provided to the Secretary of State and the Internal Revenue Service. If the new mission statement is not submitted to these governmental organizations, these entities will judge the work of the organization by the original mission statement in their possession.

After adopting this mission statement it is important to follow it. Every staff and board member should become so familiar with the mission statement that he/she can say the mission statement as though he/she had written it.

The mission statement can serve multiple functions:

- **Management Tool.** The mission statement should be a regular part of all staff and board meetings and used as the basis for management decisions. Does a new service opportunity reflect the mission of the organization? Is a funding source within the scope of the mission of the organization?
- **Motivator.** Use the mission statement as an organizational motivator. How does the mission of the organization have a positive effect on the lives of individuals?
- **Volunteer Recruitment.** The mission statement is the best explanation of what an organization does. If an individual's personal goals are incompatible with the organization's mission, they are not likely to be a good match.
- **Fund Raisers.** When speaking to potential donors, it is important to clarify the mission of the organization. The mission statement provides a convenient way to let someone know how his/her contribution will be used.

The board and staff should take steps to assure that the entire organization will always keep the mission statement at the forefront. Include the mission statement in all literature and brochures, annual reports, personnel policies, board manuals, public relations materials and the strategic plan.

## **Sample Mission Statements**

### **Abilene Hope Haven**

Our mission is to provide basic needs and services to aid the homeless population, willing to commit to improving their lifestyle; to offer extended aid to those individuals or families willing to work, up to their capabilities, toward a goal of independent living; to provide opportunity for growth of the whole person: physically, emotionally, mentally and spiritually; and to cooperate with the government, private sector agencies, and the religious community.

### **Texas Homeless Network**

The Texas Homeless Network is committed to providing effective service to homeless people by providing information, resources and technical assistance to homeless service providers in Texas.

### **Houston/Harris County Homeless Coalition**

The Mission: “mobilize and increase the governmental and private resources of our community that serve the needs of homeless people and that prevent and reduce homelessness.”

### **The Opportunity Center: Mission Statement**

The Opportunity center exists for all homeless without distinction of race, ethnic origin, language spoken, or religious beliefs, and regardless of mental, drug and alcohol problems. Through direct contact with the homeless, the Center supports them to move beyond their condition if they are capable; and protects them if they cannot improve their condition in society because of emotional or psychological disorders.

### **El Paso Coalition Mission Statement:**

The El Paso Coalition for the Homeless exists for the purpose of meeting the needs of homeless persons, helping those who are able to move toward self-sufficiency, and helping prevent homelessness among persons at risk. It seeks to accomplish these goals through coordination of social services, cooperation among nonprofit, private sector, and governmental agencies, collaboration in securing and distributing funds for homeless programs, and advocacy on behalf of the homeless. A main objective of the Coalition is the identification of gaps in the continuum of care for the homeless and the development of programs to fill those gaps.

# Strategic Planning

Many organizations feel a great sense of excitement and inspiration in starting a new nonprofit. In order to continue to be a vibrant organization, a nonprofit must always have an understanding of the organization will take in the future and a specific action plan to accomplish that goal. A strategic plan is the action plan to help your organization set goals and achieve them.

Peter Brinckerhoff, in *Mission-Based Management*,<sup>1</sup> details nine phases of planning that he believes will help any organization plan for the future. Good planning takes time and an understanding of the long-range benefits of planning. Brinckerhoff recommends that all organizations follow these phases in order, even though you may find that the phases are overlapping. Remember: “Any bus will get you where you are going, if you don’t know where you want to be.”

Brinckerhoff’s phases of planning are:

1. Preparedness
2. The Retreat
3. Data Gathering
4. Drafting Goals and Objectives
5. Outside Comment
6. Final Draft and Adoption
7. Implementation
8. Evaluation
9. Go Back to 1.

A strategic plan is an essential document that reflects where the organization presently is and where the organization plans on being in the future. Often it is helpful to ask an outside facilitator to lead a board and staff through the important stages of this planning. However, it is an essential responsibility of the Executive Director and the Chair of the Board to keep the organization constantly planning, implementing, and evaluating.

The following diagrams and pages outline the method that the Texas Homeless Network has used to do strategic planning. Every three years, the board and staff take an extended period of time (board development time) to do strategic planning. The result of working through these steps is a document that includes our broad goals, specific objectives, action steps, and due dates. While the board and staff work together to decide on broad goals and specific objectives, the staff fleshes out the goals and objectives by developing action steps and due dates. That completed document comes back to the board for discussion and final approval.

At each quarterly board meeting, the staff updates the plan with notes outlining the progress made on each objective. The board reviews the document with staff to identify the gaps and recommend changes are needed to keep the organization on track. The combination of a vital mission statement and the constant strategic planning keeps the organization moving forward and allows the board of directors and staff to envision a future of opportunities.

This is a never-ending process because as soon as a strategic plan has been adopted and implemented, then it is time to adjust, revise, adapt, and start planning all over again.

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<sup>1</sup> Brinckerhoff, Peter. *Mission-Based Management: Leading Your Not-for Profit into the 21<sup>st</sup> Century*. John Wiley & Sons, Inc.: New York, 1994, p. 130 – 150.

# **Roles of Facilitator, Recorder, and Spokesperson** **&** **Rules of Brainstorming**

## **Facilitator**

- X Help keep the group on task
- X Watch the time to assure that the group completes the task
- X Assure that everyone is able to participate - no one dominating, no one excluded
- X Remind people to listen as others are talking
- X Encourage people to respect and use their different perspectives and views

## **Recorder**

- X Listen for key words; do not edit - use exact words
- X Capture the basic ideas, essence
- X Write rapidly
- X Write legibly, 1 to 1-1/2 inches high
- X Number each sheet; reference topic, group
- X Don't worry about spelling

## **Spokesperson**

- X Be sure you understand what you are expected to report
- X Listen carefully to the discussion
- X Report out key points as requested at the end of the session

## **Rules of Brainstorming**

- X Do not discuss ideas
- X Do not judge ideas (good or bad)
- X Repeat ideas are fine
- X Piggybacking off someone else's idea is fine
- X Wait for the silences to end; the greatest creativity follows
- X The more ideas, the better



# CHANGE FORMULA

$$\mathbf{D \times V \times F > R}$$

*Dissatisfaction x Vision x First Steps >  
Resistance to Change*

## **COMMUNITY ENRICHMENT CENTER LEARNING LOOP**

Leaving your stakeholder role, take a few minutes as a total group and reflect back on the step you just practiced.

What happened during this role play?

What was effective?

What was not effective?

What have I learned from role playing this step?

As I think about my own issue/opportunity, what have I learned about doing this step:

What will I do the same in the future?

What will I avoid?

## STEP 1: DEFINE THE ISSUE OR OPPORTUNITY

### Why do we do this step? Why is it important?

- X Specifies exactly what it is you are dealing with.
- X Importantly defines what it is not.
- X It's important to understand before acting.
- X Get's you a clear picture of how you see the situation.
- X Provides an opportunity to make the process of creating a manageable strategic plan the "normal" way to do things.
- X Enables you to clearly communicate the issue to others.

### What is this step?

A non-blaming description of the issues and opportunities present in any given situation.

### How do we know we've done this step well?

- X Clear description of the current and desired situations, with no blame or credit attached.
- X The issues and/or opportunities defined are actionable (we can do something about them).
- X The issues and/or opportunities defined are the right ones; not just symptoms of other issues/opportunities.
- X We've learned more about the situation than we knew before.

### How do we do this step?

- 1) Describe your current situation.
- 2) Describe your desired situation.
- 3) Identify issues and opportunities you see for you and others.

# COMMUNITY ENRICHMENT CENTER STRATEGIC PLAN

## Assignment - Step 1: Define the Issue and/or the Opportunity

Describe you current situation  
(without blaming anybody!)  
(who, what, when, where, why and how)

Describe your desired situation  
(without taking all the credit!)  
(who, what, when, where, why and how)



## STEP 2: IDENTIFY KEY STAKEHOLDERS

### Why do we do this step? Why is it important?

- X Rarely can we be successful on an initiative all be ourselves. We need to know who has a stake in the issues at hand.
- X To ensure we include the right people in the right ways to take advantage of opportunities or resolve issues.
- X To lay groundwork for the effective relationships needed in phase 3.
- X To begin thinking “outside our boxes” (seeing the world through our stakeholder’s eyes).

### What is this step?

A thorough depiction of all key stakeholders in the situation -- that is, anyone who has an important stake in, or can potentially influence the situation.

### How do we know we’ve done this step well?

- X Identified “new” stakeholders for the first time.
- X Able to put the “hat” on of other stakeholders in the situation.

### How do we do this step?

- 1) Describe the work you believe must be done to move from your current situation to your desired situation.
- 2) Brainstorm all the possible stakeholders in getting this work done.
- 3) Look for relationships between stakeholders (similar interests, needs).
- 4) Identify the key stakeholders in your situation.
- 5) What do you know about these individuals/groups (background, history, their possible needs, what you need from them, etc.).

# COMMUNITY ENRICHMENT CENTER STRATEGIC PLAN

## Assignment - Step 2: Identify Key Stakeholders

- 1) Brainstorm all those people you can think of that have a stake in your situation (those who may be doing “the work,” those impacted by “the work,” those who may bite you in the rear, others that may need to be involved, etc.)
- 2) Now, create a stakeholder map, making sure you include the key stakeholders in your situation.
- 3) X     What do you know about these individuals/groups?  
  
X     Putting yourself in the shoes of these key stakeholders, what might they need from this situation?  
  
X     What might you need from them?

### Stakeholders

They	I	I
Need	<u>Know</u>	<u>Need</u>

## **STEP 3**

### **UNDERSTAND THE CURRENT SITUATION FROM ALL PERSPECTIVES**

#### **Why do we do this step? Why is it important?**

- X Better answers come from combining perspectives, not just one person's perceptions.
- X We get a more accurate picture of reality by listening to more people (and so do others).
- X Involving the right people leads to ownership of an issue; ownership leads to support and commitment, thus increasing the chance of success.

#### **What is this step?**

A more complete picture of the current situation based on the perspectives of all key stakeholders.

#### **How do we know we've done this step well?**

- X The complete picture of the current situation is shared by all key stakeholders.
- X All key stakeholders feel their voices have been heard.
- X We all see more of what is actually happening. (The impact of each others' decisions and actions on each other).

#### **How do we do this step?**

- 1) Build relationships across the key stakeholders group.
- 2) Get the group together and describe your perspective of the current situation, including each stakeholder's role and your needs/interests.
- 3) Rotate from stakeholder to stakeholder, having them share their perspectives of the current situation and their needs/interests.
- 4) Identify confirmations and surprises in these perspectives.

# **COMMUNITY ENRICHMENT CENTER STRATEGIC PLAN DEVELOPMENT**

## **TELLING OUR STORIES**

Select a facilitator, recorder, and spokesperson.

- 1) Take two minutes to prepare to answer the following:
  - a) Who you are, what is your job right now, and what is your role in relation to services provided by N.I.C.A.?
  - b) What do you see as the most significant challenges ahead for N.I.C.A.?
  - c) What do you see as the greatest opportunities?
  - d) What outcome would you like to accomplish during this planning session?
  
- 2) The facilitator leads the table group as each person talks for three minutes.
  
- 3) Take ten minutes to brainstorm with the recorder writing the following on the flip chart:
  - a) Common Themes
  - b) Differences
  - c) Desired Outcomes
  
- 4) Take five minutes to define a report to be given by your spokesperson using the Step 3 Assignment page.



## STEP 4

### CREATE A PREFERRED FUTURE

#### **Why do we do this step? Why is it important?**

- X To clearly define a picture of the future which is shared and seen as worthwhile achieving.
- X To include all key stakeholders in creating a future that will meet their differing needs and ensure support for carrying out plans.
- X To change the conversation from problem-focused to possibility-focused.

#### **What is this step?**

A description of a future that is realistic, achievable, time-bounded, and “win-win.”

#### **How do we know we've done this step well?**

- X Key stakeholders are enthusiastic about the preferred future and are looking forward to collaborating to make it a reality.
- X The preferred future is not merely a reduction of current pain -- it's a picture of the future you all prefer.
- X Each key stakeholder can see themselves as a part of the preferred future.

#### **How do we do this step?**

- 1) Imagine what you will see, hear, and feel in the future that will be meeting all stakeholders needs.
- 2) Decide on the “must have's” and “would like's.”
- 3) Now list each in order of priority.
- 4) Evaluate in light of the stakeholder needs. Is this the right future?
- 5) If not, continue until you've met all stakeholder needs.
- 6) Are these priorities measurable?
- 7) Report top five or six “must haves” and top two “would likes”

# **PREFERRED FUTURING**

**vs.**

# **PROBLEM SOLVING**

## **PROBLEM SOLVING**

Energy Decreased

Blaming

Pain Reduction

Current Resources

## **PREFERRED FUTURING**

Energy Increased

Ownership

Best Case Scenario

Future Resources

## **STEP 5**

### **AGREE ON MEASURABLE OUTCOMES AND DEVELOP A PLAN**

#### **Why do we do this step? Why is it important?**

- X To translate a preferred future into a set of concrete steps and milestones for getting there.
- X To make explicit agreements among the key stakeholders about how we'll achieve the preferred future.
- X To be clear on specific roles to be played in the plan by each key stakeholder.
- X To use the experience and training of all key stakeholders in deciding on the plan.
- X To provide a basis for checking on progress in achieving our outcomes.

#### **What is this step?**

A plan that is specific, results-oriented and includes ways to measure progress.

#### **How do we know we've done this step well?**

- X All key stakeholders are clear about the results to be achieved, what has to happen to achieve these results (plans) and their role(s) in carrying out those plans.
- X Stakeholders feel their voices have been heard and listened to.

#### **How do we do this step?**

- 1) Be sure the priorities from the preferred future are specific and measurable.
- 2) Brainstorming all the possible actions that could achieve these results.
- 3) Agree on the best ideas (those most likely to succeed).
- 4) Set time to reconvene to develop a plan of action.

# COMMUNITY ENRICHMENT CENTER STRATEGIC PLAN

## Assignment - Step 5: First Step Planning

- 1) Select your top “must have” from the Preferred Futures process.
- 2) Brainstorm possible strategies to reach the Preferred Future.
- 3) Decide together on the three strategies most likely to succeed given data from your work today.
- 4) Write a goal for one strategy.
- 5) Talk as a group about what steps are needed to reach that goal.
- 6) Create and complete a flip chart like the one below.
  - A. What: What steps will be taken?
  - B. Who: Who will be responsible for each step?
  - C. Others: Who else is needed to make this step possible?
  - D. When: When will we complete each step?

Strategy:			
What	Who	Others	When

## STEP 6

### MONITOR PROGRESS AND MAKE COURSE CORRECTIONS

#### Why do we do this step? Why is it important?

- X To know where we're at and how we're doing on carrying out our plans and achieving our outcomes at regular intervals, so allowing adjustments to be made to get us back on track.
- X Few plans are perfect; they need adjustment.
- X Changes in the "environment" will make flawless plans ineffective.
- X It provides another opportunity to make creating a manageable strategic plan the normal way of doing things.

#### What is this step?

A systematic, planned way to evaluate our progress on plans, add new information to the picture and make decisions on changes to plans, including "next steps."

#### How do we know we've done this step well?

- X Plans are effective (we accomplish what we set out to accomplish).
- X Plans fit what's happening in the world around us (they change when the world changes.)

#### How do we do this step?

- 1) Have we done what we said we'd do? If not, why?
- 2) Are we accomplishing the results we set out to accomplish? If not, why?
- 3) Develop course correction plans, based on needs.

# Board of Directors

A key component of a well organized nonprofit is the board of directors. The board of directors oversees the entire organization. Both federal and state statutes require that a nonprofit organization have a board of directors. The board is where the “buck” ultimately stops. The board sets the tone for the entire organization. Many organizations seem to make the same mistakes over and over again. Even when they fix one set of problems in one aspect of the organization, the problem seems to appear in another aspect of the organization. The real problem may originate in the board of directors. Because of the importance of the board of directors, many funding sources review how a board functions, its effectiveness, and its composition.

## Roles and Responsibilities of the Board of Directors

The board of director’s primary purpose is to assure that the nonprofit fulfills its mission and meets its goals. More specifically, the board of directors’ purpose is to set broad policy, review and approve programs and budgets developed and implemented by the Executive Director, and ensure financial stability and accountability.

Board members must abide by the powers and duties granted the corporation by Texas Law, its Articles of Incorporation, and its bylaws. Directors must act in good faith and must ensure that the interest of the corporation prevails over any personal interests. In making decisions on behalf of the agency, the board must use the reasonable care that a prudent person would use under similar circumstances.

It is recommended that the nonprofit’s corporate attorney update the board of directors and Executive Director of any changes in the Texas Nonprofit Corporation Law, as well as orient new board members with the law.

## Financial Responsibility

The stewardship function of the board of directors ensures fiscal accountability of all funds received and spent by the nonprofit. Therefore, the board of directors as a whole or a finance committee must regularly review actual revenues and expenditures and compare them to budgeted revenues and estimated costs.

## Functional Responsibilities

The board of directors must:

1. Ascertain that the nonprofit is operating in a manner that keeps the organization’s mission and purpose focused, without becoming involved in day-to-day operations.
2. Fulfill all of the IRS and state nonprofit reporting requirements. This includes taxes, FICA, annual reports, UBIT estimations, and operating under Section 501© of the IRS code.
3. Employ an executive director and conduct at a minimum an annual performance review of the executive director.

4. Review and approve programs and budgets.
5. Set, review, or approve board policies for the organization's operation
6. Ensure that fiscal policies are in place and followed. This means making sure that policies about cash, payables, and budget are followed.
7. Help develop and adopt budgets. Although the board determines the final budget, all levels of staff should have input into the budget. The resources of the organization should match the mission and goals of the nonprofit. This happens within the budget.
8. Nominate and elect officers.
9. Represent the nonprofit in public. (Always have a media policy for both the board and staff.)
10. Help recruit new board members.
11. Oversee fundraising. Board of directors should help staff raise the necessary funds for the nonprofit.
12. Perform volunteer program work. Direct volunteer work will help each board member understand how the organization functions. It is an important part of being committed to the nonprofit's mission.
13. Assure that the nonprofit has the following documents on file for a minimum of three years and 90 days or until all litigation, claims, or audit findings are resolved, whichever is longer.
  - A. Articles of incorporation and letter granting 501©(3)
  - B. Mission statement
  - C. Brief agency history
  - D. Insurance policies
  - E. Bylaws containing the following
    - i. statement of agency purpose
    - ii. board size, terms of office, term limits, rotation policy, and elections
    - iii. regular and special meetings, meeting notices, attendance requirements, removal for cause, and filling interim vacancies
    - iv. officers' terms of office, responsibilities, and election
    - v. committees, their charges, size and composition (for standing committees only)
    - vi. quorums for board meetings
    - vii. bylaws amendment process
  - F. Current list of board members with mailing addresses and telephone numbers
  - G. Current organizational chart
  - H. Program list and a brief description of each program
  - I. Agency policies that include, but are not limited to, confidentiality
  - J. Current operating budget and amendments and copies of budget summaries and audits of all past years
  - K. List of donors
  - L. Minutes of board meetings
  - M. Any other documents required by law

## **Board Composition**

The board of directors must have recruitment procedures that encourage a diverse representation of members in terms of ethnicity, age, profession or background, and communities served. No employees should be on the board of directors. No family members of employees should serve on the board of directors. It is best if the board of directors represents the diversity of clients served.

It is recommended that the board of directors recruit formerly homeless persons to serve on the board.

It is recommended that the boards of directors have a minimum of nine members and that board members not serve more than six consecutive years.

To be an effective board, it is important that the board understand the changing needs of the organization. Every organization grows and changes. Boards need to change. That means that board members should be evaluated at the end of their term. The board should recruit new board members who represent the growing and changing needs of the nonprofit.

## **Board Orientation**

New board members must:

1. Be provided with a board handbook which will include at a minimum:
  - A. Board member job description
  - B. Current list of board members with mailing addresses, telephone and fax numbers
  - C. Agency mission statement
  - D. Agency bylaws and a copy of the letter granting 501©(3) status
  - E. Committee list with assignments of all board members and staff
  - F. Committee descriptions
  - G. Operating policies of the agency, including any policies affecting the board, such as board attendance policy and agency confidentiality policy
  - H. Organizational chart
  - I. Agency history
  - J. Program services list with descriptive information and data
  - K. Current budget, including funding sources
  - L. List of contract or restricted grants from any public or private entity
  - M. List of agencies, organizations, and governmental entities with which the agency works or interacts with regularly, including a brief description of the relationship
  - N. Description of contract provisions with attorneys, auditors, or other professionals
  - O. Basic information about homelessness
2. Have access to a copy of the Texas Nonprofit Corporation Act.

If a new board member misses the annual orientation, it is recommended that the new board member meet with the Executive Director and another board member within three months of his/her term commencement to review the Board handbook and the highlights of board orientation.

An alternative method of board orientation is to take 15 minutes at every board meeting for on-going orientation. This makes orientation an on-going process in which everyone participates. Programs of the nonprofit and all the other topics listed in this section can be used to keep the board updated on the nonprofit's functions.

Some boards also use a "buddy" system for the first six months of a board member's tenure. The board President assigns a veteran board member and a senior staff person (not the Executive Director) to each new board member. These people will help the new board member get oriented with the nonprofit.

### **Board In Service Training**

Along with the executive director, the board is encouraged to plan and conduct an annual training for all board members that includes at a minimum the following:

- 1) An explanation of the nonprofit's mission, philosophy, and brief history.
- 2) An explanation of homelessness that includes its causes.
- 3) A description of the agency's current programs, provided by program staff.
- 4) A review of the agency policies and clarification of any changes made during the year.
- 5) An explanation of how the nonprofit is funded and future funding projections.
- 6) A discussion of the roles and responsibilities of the board, including legal and fiscal responsibilities, meetings, attendance requirements, committee duties, structure, assignments, fund raising, and public relations responsibilities presented by the board chair or a member of the executive committee.
- 7) An explanation of the agency's insurance coverage, including directors' and officers' liability insurance or notification of inability to obtain insurance.
- 8) An explanation of the working relationship between the board and staff, including but not limited to which staff member is contacted regarding questions or requests and which staff members will contact board members routinely.

It is recommended that board training be combined with long-range planning or discussion of special projects.

It is recommended that nonprofits encourage all board members to attend a direct service volunteer training.

### **Confidentiality**

Board members must:

1. Be provided a copy of the nonprofit's confidentiality policy.

2. Not use their position on the board of directors to obtain or access confidential client information.

## **Record Retention**

All records, books, and annual reports of the financial activity of the corporation must be kept at the principal office for at least three years after the closing of the fiscal year and must be available to the public for inspection and copying during normal business hours.

## **Additional Guidelines for Maximum Board Effectiveness**

It is recommended that the board actively and enthusiastically help the executive director to raise and manage the organization's funds. The extent of the agency's ultimate success and effectiveness will be a direct reflection of the board's level of involvement in fund raising, resource management, public relations, and leadership development.

It is recommended that the board encourage board members to be donors at a level that is appropriate to their situation. Soliciting contributions from board members should be done by another board member, usually the Chair of the Board, or the Event Chair.

It is recommended that the board develop a board attendance procedure stating that if a board member misses two meetings without prior notice, the board chair calls the member to see if there is a problem that can be addressed before it becomes a serious issue. Consider putting a board attendance sheet in the monthly board packet. Some agencies are reluctant to adopt a board attendance policy because they want prestigious people on the board who cannot or will not attend board meetings. However, their lack of attendance and participation can often be demoralizing to other board members. Regular attendance from board members is paramount if the nonprofit is to achieve agency goals. Consider putting those who can help the nonprofit but will not be able to attend regularly on an Advisory Board or Project Committee. In this way, the nonprofit can have prestigious people on the letterhead and call on them, and at the same time require the attendance and participation that is so important from board members.

It is recommended that the attendance rules be emphasized in board orientation and that board rules be rigidly enforced. Develop a table that shows each board member and his/her attendance. This table should be updated and shared at each board meeting. The table will also be helpful in writing grants that want to see an active and involved board of directors.

<p>It is recommended that Boards appoint board committees and use them. No board member will stay involved if he or she does not have meaningful work. A board that uses committees is giving each board member hands on work. It is also a way to work effectively since not every decision needs to come to the entire board. Also, decisions and policies that are presented to the board are more complete because of the work done by the committee before the entire board is asked for a final decision. Committees to consider include:</p>
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- **Executive Committee.** Some agencies have Executive Committee meetings a week to ten days before the board meeting to discuss important issues with the Executive Director and other staff and to set the board agenda. This committee is comprised of board officers and or committee chairs and can be especially helpful as the organization grows.
- **Finance Committee.** This committee oversees the financial operations of the nonprofit and performs detailed reviews of the nonprofit's financial activities and budgeting process. The committee reports and makes recommendations to the full board of directors. The Board Treasurer should chair the Finance Committee.
- **Nominating or Board Development Committee.** This group carefully analyzes the needs of the agency, works to involve and recruit volunteers who can help achieve agency goals, and helps plan the annual board orientation and any other special board trainings or retreats. Because it represents the future of the nonprofit, the Nominating Committee is perhaps the most important committee of the board.
- **Personnel Committee.** This committee can be a useful resource to the Executive Director and has the responsibility of evaluating the Executive Director on a regular basis. It also serves as a screening committee when hiring a new Executive Director and gives constant support and feedback to the Executive Director. It is recommended that employment attorneys or human resource professionals be appointed to this committee.
- **Fund Raising Committee.** A Fund Raising Committee is essential for organizing multiple fund raising activities or events. Although all board members should be involved in fund raising, it is recommended that board members who are closely involved with fund raising events or projects be appointed to this committee.
- **Special Project or Event Committees.** These committees allow the agency to involve people who are not able or willing to become board members, but who will lend their expertise, connections, name, and support to a project or event. It is recommended that the nonprofit retain ultimate control and responsibility for the project.

Although some people will not lend their name to a project in which they have no involvement, Advisory Boards are a good way to gain community credibility. It is recommended that if nonprofits have an Advisory Board, they provide at least an annual meeting where the Advisory Board, board of directors and supporters can be introduced and hear the year's major accomplishments. Put them on the mailing list, send them personalized quarterly update letters, and ask board members to stay in touch with them. Remember that involvement leads to giving.

It is recommended that the board consider convening annual focus groups to get input on important issues. For example, a focus group of homeless people who received services could be very helpful in discussing program development.

### **Contributions to Effective Board Organization**

It is recommended that the Board Chair and the Executive Director:
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- Develop and distribute an annual schedule of meetings so that all members can plan to attend.
- Send a board packet to each board member five to seven days in advance of each meeting. Board packets should include:

Meeting agenda developed by the Board Chair and the Executive Director or the Executive Committee that indicates the person who will make each report.

Minutes from the last meeting.

Executive Director's report on the past months' activities and "the state of the agency."

Back-up information needed for discussion or votes to be taken, and

Current financial statements and reports.

- Assume the board packet has been read and do not use the board meeting to report on minor matters.
- Keep board and committee meetings pleasant, productive, and well-focused. Stimulate the broadest possible participation while also keeping discussions on track. If an item creates a long discussion, consider sending it back to committee for a report at the next meeting or completing the other business and coming back to it.
- Ask each board member to serve on at least one committee. This way each member will be invested in outcomes and members will get to know each other.
- Acknowledge members' accomplishments and contributions in a variety of ways, such as newsletters, at meetings, and in the minutes.
- Encourage board members to develop guidelines for ethical communication.
- Expect all staff members to be present at all board meetings unless they are excused. All staff who has direct responsibilities should report on his or her area. In other words, program staff should report directly on his or her area of programming. The financial operations staff should report on financial matters. This helps break down the barrier between the board and the staff in a healthy way.

### **Board Members' Legal Liabilities**

Although most boards focus on their responsibilities, it is important that all board members remain aware of their legal liabilities. Board members are fiduciaries and have fiduciary responsibilities to the nonprofit. A fiduciary is defined as a person, association, or corporation that has a duty to act for another in a specified area. That means that board members are legally responsible for the management and control of the organization.

This does not mean that board members should constantly worry about their liability. Liability laws for errors of judgment protect board members of nonprofits as long as he or she acts responsibly, in good faith, and with the best interests of the corporation foremost.

The most common violations of fiduciary duties are:

1. Failure to follow fundamental management principles. This happens when a decision is made that a prudent person would not make if provided the same information. It occurs when a board:
  - Does not develop plans or budgets.
  - Does not read staff reports to see if there are problems.

- Does not pay attention to problems raised in reports.
  - Does not demand a reasonable standard of reporting and control.
  - Ignores repeated warnings from staff, volunteers, or outside experts.
  - Does not attend meetings.
2. Operating the nonprofit in a way that benefits the board members directly. This is known as self-dealing, or inurement of benefit. There should be a strong conflict of interest policy in place and enforced.

**Here are some ways to avoid liability:**

- All board members should take their responsibility seriously. They should attend meetings, read materials and be ready to ask questions.
  - All policies and by laws should be read and understood. What is most important is that every action of the nonprofit should fall within the scope of the nonprofit's mission.
  - Board members must always be informed of the organization's internal functions.
  - Policies should be set only after all the facts are carefully reviewed. Never make decisions in a vacuum; demand documentation.
  - Financial statements should be read in detail. Formats should be readable and comprehensible.
  - Every organization should have a long-range strategic plan (three to five years).
- Board members should know the state laws regulating nonprofit organizations.

# Personnel

## Personnel Policies and Procedures

Every nonprofit must have written personnel policies and procedures that standardize the everyday actions and conduct of all employees.<sup>2</sup>

Personnel policies and procedures handbooks should address the following:

- Fair Employment Law including:
  - The Civil Rights Act of 1964
  - Age Discrimination in Employment Act
  - Americans with Disabilities Act
  - Equal Pay Act
- Fair Labor Standards Act of 1938
- Contract labor
- Affirmative Action policy
- Disabilities in the workplace policy, including but not limited to:
  - Drug Free Workplace
  - Human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS)
- Sexual harassment
- Conflict of interest
- Nepotism
- Recruitment, interviewing, and hiring procedures, including but not limited to:
  - a) job posting
  - b) job descriptions
  - c) interviewing systems
  - d) reference checking and responding to reference checking
- Rules of conduct
- Work hours
- Breaks
- Leave request
- Identification of holidays
- Staff entitlement and procedures
- Confidentiality requirements
- Employee evaluation
- Probationary period
- Termination procedures
- Grievance procedures

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<sup>2</sup> A policy is a definite method of action established by the organization's governing board. A procedure is a series of steps designed by administration to implement a policy.

All employees must receive and sign a personal copy of the employee personnel policies and procedures handbook. The signed acknowledgment of receipt must be maintained in the employee's personnel file.

It is recommended that nonprofits develop an Agency Policies and Procedures Manual. It is recommended that the manual be readily accessible to all employees and include all policies and procedures, including personnel policies that the governing body passes.

### **Personnel Files**

All nonprofits must maintain a personnel file for each employee. Each file must include at least the following information:

- employment application and/or resume
- job description
- all performance evaluations
- any status or classification change
- letters of praise or criticism
- all disciplinary actions
- documentation of orientation, training, and staff development
- signed acknowledgment of receipt of personnel policies and procedures handbook
- signed acknowledgement of a confidentiality agreement

All payroll information, including time sheet, tax form, and voluntary/involuntary deductions must be filed in the payroll information file, the personnel files, or in accordance with the nonprofits financial policy and procedures.

Nonprofits must have written policies regarding employees' right to access their personnel files.

All health and medical information must be maintained in a separate file.

The U.S. Department of Justice Immigration and Naturalization Service Employment Eligibility Verification Form I-9 must be completed on each employee.

Complaints, allegations, and investigation documents of the Fair Employment law must be maintained in a separate file.

It is recommended that personnel files and any other confidential information be kept under lock.

### **Fair Labor Standards**

The Fair Labor Standards Act of 1938 requires employers to identify each position as exempt or non-exempt.

Nonprofits must identify in writing all positions as exempt or non-exempt.

It is recommended that nonprofits have written policies on compensation for non-exempt employees that are consistent with the Fair Labor Standards Act.

It is recommended that nonprofits have written compensatory/flex time policies for exempt staff that is consistent with the Fair Labor Standards Act.

### **Contract Labor**

A contract labor employee is paid a specific amount for a specific task and sets his/her own schedule. A contract laborer is a person who delivers a specific service, regardless of the hours required.

Under contract arrangements, the contractor is responsible for payment of all employment and income taxes and receives no benefits from the employer (insurance, leave, etc.) Contract laborers are not on the nonprofit's payroll.

If contract labor employees are hired, nonprofits must have written contract labor policies and procedures.

### **Nondiscrimination Policies**

The terms "affirmative action" and "nondiscrimination policies" are interchangeable.

It is recommended that when the staffing pattern is severely out of alignment with the demographics of the community it serves, special actions (e.g. recruitment) be taken to bring balance to the staff to reflect the community it serves.

It is recommended that nonprofits have a written nondiscrimination policy.

It is illegal for an organization to have quotas or designated positions based on race, color, sex, religion, age, national origin, or disability.

### **Rules of Conduct**

Rules of conduct are organizational policies and procedures that define work conduct, rules, and expectations.

Nonprofits should have written rules of conduct and provide these to employees who are hired.

It is recommended that the rules of conduct include:

- Expected behavior towards each other, clients, volunteers, board members, and the public.
- Expectations to follow nonprofit policies.
- Employee and client relationship standards.
- Personal life issues interfering with work performance of self or others.

- Work and break schedules.

### **Sexual Harassment**

Sexual harassment is unwelcome or unwanted conduct of a sexual nature (verbal or physical) when:

- The submission to or rejection of this conduct could be a factor in decisions affecting personnel actions, and
- The conduct interferes with the employee's ability to do her/his job by creating an intimidating, hostile, or offensive work environment.

Nonprofits should have written policies and procedures regarding sexual harassment.

### **Conflict of Interest**

An employee may not have a personal gain (aside from wages and benefits) from his/her employment.

Nonprofits must have written policies pertaining to staff conflict of interest.

It is recommended that conflict of interest policies include:

- expectations of ethical behavior;
- parameters of political involvement
- rules governing lobbying activity
- guidance for acceptance of gifts, meals, and benefits not mentioned in the *Personnel Policies and Procedures Handbook*
- outside employment

### **Nepotism**

Nepotism is favoritism shown to a relative on the basis of an immediate family relationship.

Nonprofits should have written policies regarding nepotism.

It is recommended that nonprofits have an agency definition of nepotism and apply the definition consistently.

Note: Immediate family can be defined as parents, children, siblings, grandparents, same categories of in-laws, foster and step children, and anyone living in the same household as a family member. Nepotism is present when individuals of these relationships (or those relationships as defined by the nonprofit) are in any manager/employee relationship or in the chain of command.

## **Disabilities in the Work Force**

An employer must make “reasonable accommodations” and cannot discriminate against a qualified individual with a disability, because of the disability. This law pertains to all personnel actions including: the application procedure: hiring or discharge of employees; employee compensation or advancement; job training; and other terms, conditions, and privileges of employment

Note: The ADA regulations do not provide guidance on the crucial question of how much an employer has to do to make “reasonable accommodations” for a disabled employee or applicant. Instead, the regulations provide that the determination will be made on a case-by-case basis.

### Disabilities in the Work Force.

a). Drug Free Workplace. Nonprofits should have a written drug and alcohol policy that states at least the following:

- 1) illegal use or illegal possession of alcohol and drugs are prohibited while on duty
- 2) Belief in a treatment and recovery approach
- 3) Stated concern for employees
- 4) Identify programs and systems for assistance
- 5) Guarantee confidentiality

## **Drug-Free Workplace**

The Americans With Disabilities Act qualifies employees in treatment or recovery programs as disabled and protected.

If the nonprofit management suspects that an employee has an alcohol or substance abuse problem, it is recommended that management not ask the employee if she/he is an alcoholic or illegal drug user. However, management can address problems in work performance and disruptive behaviors when the problems are clearly related to alcohol or substance abuse. If an employee volunteers the information, then it is recommended that management require the employee to participate in treatment or recovery as a condition of continued employment. It is recommended that an employer monitor an employee’s recovery compliance to medical instructions and/or program until the employee’s job performance is acceptable.

Note: Employees in treatment or recovery program may be terminated if their job performance or behavior is not acceptable.

Employees who report to work under the influence of illegal drugs or alcohol can be terminated immediately.

It is recommended that nonprofits be dedicated to reducing the effects of illegal drugs and alcohol on work performance. This is based on the recognition of drug and alcohol addiction as a disease and focuses on rehabilitation.

## **HIV/AIDS**

The Americans with Disabilities Act includes HIV/AIDS as a disability and pertains to applicants and employees who are believed to be HIV positive, even if they have not been diagnosed.

Individuals with AIDS-related conditions, including individuals who have been exposed to the virus but remain asymptomatic are protected under the ADA as disabled so long as their condition does not impact their job performance. Generally, an individual who has been exposed to the AIDS virus remains protected unless and until the debilitating effects of the disease preclude successful job performance as defined by the essential functions of the job.

## **Disabilities in the Work Force**

Nonprofits under the jurisdiction of the Americans with Disabilities Act, should have written policies and procedures ensuring that applicants and employees with HIV/AIDS or believed to be HIV positive are not discriminated against.

## **Recruitment and Employment Procedures**

Employers must use a system for recruiting applicants that does not impact any one Protected Class more than another and treats all applicants equally. Protected classes include race, color, religion, sex, and national origin.

## **Recruitment Procedures**

Under the jurisdiction of the Fair Employment Law, nonprofits should have written recruitment policies and procedures ensuring that

- 1) The system used does not impact one protected class more than another; and
- 2) The recruitment of applicants does not exclude any potential applicants.

It is recommended that recruitment advertising be targeted, as well as widely broadcasted, to reach potential applicants. Nonprofits are encouraged to consider non-traditional outlets, such as ethnic organizations, community leaders, professional associations, community-based newspapers, or churches. For example, advertising only in newspapers might limit access to qualified applicants with visual impairments.

It is general practice to post positions for a two-week period. Extended periods may be considered for unusual requirements or particular skills.

## **Interview and Hiring Procedures**

- 1) Nonprofits should have a written job-related hiring policies and procedures, including interview processes that are uniform for all candidates within a particular position.
- 2) Nonprofits under the jurisdiction of the Fair Employment Law should, when hiring employees, utilize a system that does not impact one protected class more than another and must treat all candidates equally.
- 3) Application, screening, and interviewing materials must be retained by the nonprofit for three years and 90 days or until all litigation, claims, or audit findings are resolved, whichever is longer.

For fairness to each applicant and to avoid discrimination lawsuits, it is important to use consistent formats, processes, and interviewing techniques for all position candidates.

### **Interview Questions:**

It is illegal to ask reference questions concerning fair employment law complaints that might have been filed by the applicant in a previous job.

It is recommended that applicants be screened to be sure that they meet those minimum qualifications. It is recommended that interview questions be drawn from the job description, position requirements and current issues facing the organization.

When interviewing candidates for a position, it is recommended that nonprofits ensure that the following procedures are followed.

- Interview top candidates
- Interview questions cannot solicit information regarding race, color, sex (including pregnancy or sexual orientation), age, national origin, disability, or religion.
- Each candidate should be asked exactly the same questions.
- Each question should be job related.
- Interviewer should never ask about:
  - hobbies or leisure interests
  - community activities not related to the job
  - applicant's neighborhood
  - car ownership
  - credit standing or bank account information
  - child care arrangements
  - marital status or pregnancy plans
  - sexual orientation or preference
  - religious observances.

## **Job Description**

To comply with the American with Disabilities Act, the essential functions of the job must be identified.

Essential functions of the job description are those that can not be given to another position.

Nonprofits, whether they are under the jurisdiction of the Americans with Disabilities Act or not, should have written job descriptions for every position and list the essential job functions for every position.

To ensure the essential functions are identified, it is recommended that job descriptions be updated and reviewed annually. Job descriptions are evolving documents that nonprofit management can change at any time.

## **Reference Checking**

Nonprofits should have written policies for acquiring reference checks and responding to reference checking.

It is recommend that references are checked and that information is requested based on the tasks in the job description. It is recommended that nonprofits maintain written records of what was asked, who responded, and what response was obtained.

When references are requested, it is recommended that nonprofits provide neutral information and include only job title, job responsibilities, job duties, and period of employment. It is recommended that nonprofits give negative or positive references only when clear documentation supports the comments.

## **Employee Benefits**

### **Leave**

Leave is a formal and approved absence from work. leave may be paid or unpaid. Types of leave commonly used are medical, family, administrative, and annual (vacation). Leave without pay is an administrative mechanism used by management for a variety of purposes. Leave is requested and approved through established agency policies.

The Family and Medical Leave Act of 1993 provides up to 12 weeks of leave without pay for medical or family needs for employers with 50 or more employees.

Nonprofits should have written leave policies.

## **Staff Entitlement and Procedures**

Benefits are defined as medical, hospital, accident and/or life insurance; employee assistance; dental insurance; health and wellness programs; retirement benefits; bonus plans; leave (medical, annual, and family bereavement); and terms and conditions of employment other than wage or salary compensation. Benefits are given in addition to wages and salaries as a form of compensation.

Nonprofits should have written policies regarding staff benefits.

## **Staff Orientation and Training**

- Nonprofits should have written policies and procedures regarding oral and written orientation and training programs for employees.
- Oral orientation programs must be provided for all new employees within the first two days of employment.
- New employees must receive and sign a personal copy of the nonprofit employee personnel policies and procedures handbook during orientation.
- Documentation of all staff orientations must be maintained in the employee's personnel file.

It is recommended that nonprofits develop a checklist of items to be covered during the employee's orientation and training programs.

It is recommended that the supervisor or manager use the nonprofit's Personnel Policies and Procedures Handbook as a guide for the oral orientation. It is also recommended that orientation programs include agency policies and procedures, organizational structure, work and behavior rules, and other conditions of employment. It is recommended that salary and benefit programs are explained in detail and the orientation includes formal introductions to other managers and employees and a tour of the facilities. It is recommended that the employee and manager or supervisor have a detailed and documented discussion regarding the manager's expectations for work performance, job description, duties, and behavior.

### **Initial Training**

- 1) Nonprofits should provide all employees with initial training, including supervised instruction about specific job functions covered in their job description.
- 2) Documentation of all initial training should be included in the employee's personnel file.
- 3) Initial training issues for direct service employees or employees supervising direct service staff must include:
  - Confidentiality
  - Cultural diversity sensitivity
  - Client eligibility for direct service providers
  - Nonprofit policies and procedures
  - Program mission and philosophy

All required documentation and procedures as related to resident and nonresident issues.

It is recommended that the number of hours of initial training be based on the complexity of the job description.

### **Staff development**

Nonprofits should have written staff development policies.

It is recommended that nonprofits provide ongoing staff development. These may include constructive evaluation techniques, accounting trainings, budgetary process trainings, or multicultural trainings.

### **Confidentiality of Staff**

Any document that might be used to harm a person in their community must not be released to the public.

Nonprofits should have written policies regarding

- Disclosure of personnel information.
- Maintenance of sensitive personnel information and personnel files.
- Response to request for public open record information.

Performance Evaluation

### **Nonprofits should**

- have written performance evaluation policies;
- evaluate all staff at least annually;
- file all performance evaluations in the employee's personnel file.

Nonprofits may wish to conduct additional evaluations during the year if there is a positive or negative change in the level of performance of the employee.

It is recommended that formal performance evaluations include at least the employees:

- ability to reach performance goals as outlined in the job description;
- compliance to the nonprofits work rules, such as attendance and time management;
- job related behavior, such as ability to work with coworkers.

Quarterly review and supervisory coaching sessions may be held to determine progress or problems in daily task completion. It is recommended that behavior that interfere with the completion of tasks by the employees or prohibit her/his coworkers from reaching performance goals be addressed. It is recommended that evaluations include a plan for improvement that outlines the employee's and the supervisor's responsibilities. It is recommended that the direct supervisor document the employee's progress related to the improvement plan.

## **Probationary Period**

Law does not require probationary periods.

Nonprofits that choose to use probationary periods must:

- have written policies regarding probationary periods and
- apply the policies uniformly.

## **Termination Procedures**

Termination is the separation of an employee from the active and inactive payroll. The employee through resignation, retirement, or job abandonment may initiate separation. It may be initiated by the organization by involuntary termination, reduction in force, and/or reorganization.

Involuntary terminations may result from poor job performance, disruptive behavior and/or unlawful acts.

Nonprofits must have written termination policies regarding involuntary termination, reduction in force, and/or reorganization.

It is recommended that for reduction in force or reorganization, nonprofits provide employees a minimum of two weeks notice.

It is recommended that the organization develop an exit document for every termination, voluntary or involuntary, detailing the circumstances of the termination. In employee initiated terminations, an exit interview can be used to gain information critical to retention issues.

A termination letter is critical in involuntary terminations. It is recommended that the letter clearly state the terms of the termination, the effective time and date, the position title to be terminated, and information of any benefits that continue past termination. It is recommended that specific reasons for termination not be included in the termination letter. If the employee has departed the facility, it is recommended that the letter be sent to the employee's home by both registered and regular mail.

It is recommended that reasons for the action and documentation of terminations (e.g. date, time and specific cause) be clearly stated in the employee's personnel file.
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## **Grievance Procedures**

Grievance procedures are methods to ensure fairness in the inevitable conflict between employers and employees.

Nonprofits must have a written grievance procedure.
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Law does not require a grievance procedure, but it is considered to be good management practice. Most grievance procedures involve a variety of internal systems created by employers to resolve grievances and disputes. This term encompasses systems as informal as “open door policies” and systems as formal as “final and binding arbitration.” There are several categories of grievance procedures, but generally each system permits:

- a grievance to be filed on any work related matter,
- processing the grievance through a sequence of steps for review and response by management, and
- a final decision by the chief administrative officer.

To ensure resolution in a timely and orderly fashion, it is recommended that nonprofit management set time frames for action by both parties.

Fair employment law issues can be appealed through the EEOC and ultimately through the courts. Although it is not required, the best practice is to utilize the internal process prior to external review.

### **Record Retention**

All personnel documents, hiring information, including applications; and all supervisory notes involving personnel decisions must be retained by the nonprofit for three years and 90 days or until all litigation, claims, or audit findings are resolved, whichever is longer.

### **Additional Guidelines for Maximum Personnel Management**

- Nonprofits are encouraged to promote family-friendly policies in the workplace. Nonprofits may implement various service and programs to support families in the workplace. For example, nonprofits can provide training for managers/supervisor to be sensitive to work/family issues. Nonprofits can also assess employees’ needs via a survey.
- Nonprofits may develop work time and workplace policies, such as flex-time, compressed work week, part-time employment with prorated benefits, overtime flexibility or family-compatible work schedules that are predictable, yet flexible.
- Nonprofits are encouraged to provide medical, health, and disabilities benefits to all staff members and to provide part-time staff with at least prorated benefits.
- Nonprofits are encouraged to provide retirement plan benefits, group life, and dental insurance.
- Nonprofits are encouraged to provide at least 10 vacation days a year to new employees and 15 vacation days to staff with three years seniority.
- Nonprofits are encouraged to pay unused vacation to employees once they no longer work for the agency.
- Nonprofits are encouraged to plan regular all-staff meetings (for example monthly or quarterly).
- It is recommended that staff meetings be pleasant, productive, and focused. Nonprofits are encouraged to prepare written agendas and to stimulate the broadest possible participation by staff, while still keeping discussion on track. If an item creates a long discussion, nonprofits are encouraged to consider sending it to the management staff meeting so they can report back at the next meeting.

- It is recommended that nonprofits acknowledge staff's accomplishments and contributions in a variety of ways.
- It is recommended that nonprofits encourage staff to develop guidelines for ethical communications.

# Fiscal Management

## Accounting System Requirements

- Nonprofits must maintain an accounting system which records revenues and expenditures using generally accepted accounting principles.
- All nonprofits should have a chart of accounts.
- Accounting records include the general ledger and all subsidiary ledgers. Supporting documentation for all revenues and expenditures must be maintained for all expenditures charged to any contract. Supporting documentation includes, but not limited to:
  - receipts or vouchers for revenue;
  - bank statements;
  - cancelled checks;
  - deposit slips;
  - approved invoices;
  - receipts
  - leases
  - contracts
  - time sheets<sup>3</sup>
  - inventory; and
  - cost allocation worksheets.
- Financial records must identify all funding sources and expenditures by separate fund type.  
(Fund Accounting)<sup>4</sup>
- Nonprofits should use a double entry accounting system. It can be cash, accrual, or modified accrual.
- Nonprofits should have a fidelity bond.

## Budget

The Board of Directors must approve an annual operating budget for the nonprofit's fiscal year. An annual operating budget includes all monetary and in-kind revenue and expenditures necessary to provide service.

This annual budget serves two important purposes. First, the budget is the monetary expression of the nonprofit Board of Director's annual service goals. Second, it is the nonprofit's operating guide for measuring the actual costs of service to estimated costs. In addition, the annual budget should be reviewed to ensure that the percentage of nonprofit administrative costs to direct service costs is reasonable. Direct service costs may include, but are not limited to, such costs as rent, utilities, and staff salaries.

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<sup>3</sup> Staff whose positions are funded by more than one funding source must record the actual time spent on each funded activity. Time sheets will be reviewed as part of the fiscal monitoring visit.

<sup>4</sup> Fund accounting is a system of accounting in which separate records are maintained by funding source. For example, a contract reimburses the nonprofit for specific line item costs. The nonprofit must record all contract payments and expenditures charged to the contract in a separate "fund." Fund accounting does not require that the shelter center maintain a separate "bank account" for contract funds.

Administrative Costs are functional costs that relate to the specific management of the program, such as secretarial costs and the portion of the executive director's salary related to time spent managing the nonprofit.

### **Contributions**

- In-kind contributions. Each nonprofit must establish and follow written internal policies for the consistent and reasonable treatment of in-kind contributions. These policies must include:
  - A method of establishing the reasonable value of donated goods and services.
  - Rates for volunteer services which should be consistent with those paid for similar work in other activities of the community; and
  - Requirements for documenting in-kind contributions.
- Cash contributions. Each nonprofit must establish and follow written internal policies for the consistent treatment of cash contributions. These policies must include:
  - A method of recording all such contributions;
  - Assurances that eligible homeless persons will receive basic services whether or not they contribute or donate to the nonprofit.

### **Cash/In-Kind Match**

Nonprofits must have written internal policies to accurately document the cash/in-kind match required by funding sources.

It is important to understand that some contracts require local matching funds (either cash, in-kind, or a combination). When matching funds are required, it is necessary to keep track of these funds in such a way that they are not used for another matching fund requirement.

### **General Management and Overhead Costs**

General management and overhead costs such as salaries, rent, and electricity, can be allocated between programs.<sup>5</sup>

### **Reporting and Billing**

Only those costs allowable under Uniform Grants and Contract Management Standards, and any revision thereto, plus any applicable federal cost principles are eligible for reimbursement.

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<sup>5</sup> Cost allocation is the process by which a nonprofit divides its general management and overhead costs (i.e. rent, electricity, salaries, etc.) between its various funding sources in order to determine the appropriate amount to charge each grant and/or contract.

## **Audit Requirements**

- a. Nonprofits should arrange for an agency-wide financial and compliance audit by an independent certified public accountant (CPA). Copies of this audit should be provided to all contractors and be included in all grant applications.
- b. The audit should be completed within 13 months after the end of the fiscal year.

## **General Grant Fiscal and Organizational Documentation**

It is recommended that one copy of fiscal documents (budgets, bank balances, funding sources, etc.) and organization documents (IRS determination letter, Articles of Incorporation, By-laws, organizational charts, current list of board members, staff resumes, etc.) be stored in a notebook kept by the Development Director and/or the Executive Director. These documents should be maintained in such a manner so as to simplify grant writing. It also functions to eliminate clerical error in grant submission.

# Program Administration Standards

Homelessness is much more than lack of adequate shelter. A best practice for a shelter is to provide support services, which enable a homeless person to transition from homelessness to self-sufficiency.<sup>6</sup> Therefore, the shelter is only one aspect of a model program. A nonprofit organization that provides shelter should also provide access to the following:

- Emergency medical care
- Counseling service
- Educational arrangements for children
- Information about training for and seeking employment
- A referral system to existing community services

## **State and Federal Laws Concerning Client Eligibility**

In general, it is important that shelter providers understand that no persons in the United States shall be excluded from participating, or denied, any aid, care service, or other benefits provided by federal and/or state funding, or otherwise be subjected to discrimination on the grounds of race, color, national origin, sex, age, disability, political beliefs, or religion.

The Civil Rights Act of 1964, Title VI, states in part that potential clients cannot be denied services and benefits due to race, color, national origin, or religion in any program that receives funding from the state or federal government.

The Rehabilitation Act of 1973 applies to all recipients of federal assistance. This law prohibits excluding or denying individuals with handicaps equal opportunity to receive benefits and services.

The Americans With Disabilities Act, Title III, prohibits discrimination against clients because of a mental or physical disability. This law provides qualified disabled clients with the right to access services and benefits by ensuring facility accessibility where benefits and services are provided. This law requires shelter centers to make every reasonable effort to accommodate clients who are protected under the intent of the Americans With Disabilities Act.

The Age Discrimination Act requires equal access to services and benefits regardless of the client's age. This law states that no person, based on his/her age, can be denied benefits from, be excluded from participation in, or be limited in access to any program or activity that receives federal financial assistance. This law prohibits policies or practices that would exclude a client based on her/his age or the age of any dependents.

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<sup>6</sup> Domestic Violence shelters, according to the law (Title II, Chapter 51 of the Human Resource Code, must also provide minimum access to 24-hour-a-day shelter, crisis call hotline available 24 hours a day, legal assistance in the civil and criminal justice systems, cooperation with criminal justice officials, community education, emergency transportation, and volunteer recruitment and training program.

Texas State law requires shelters to be licensed to provide residential childcare to a person younger than 18 years old unless a parent accompanies that person, unless the younger person is legally emancipated or is a minor mother.

## Minors

### **Client Eligibility and Minors**

An emergency shelter facility may provide shelter and care for a minor who is the sole financial support for her child or children.

An emergency shelter facility may provide shelter or care only during an emergency constituting an immediate danger to the physical health or safety of the minor mother or her child(ren).

Shelter or care provided under this section may not be provided after the 15<sup>th</sup> day after the date the shelter or care is commenced unless the facility receives consent to continue services from a parent or guardian of the minor mother.

Shelter centers that are not licensed to provide residential child care must not provide 24-hour-a-day shelter to a person less than 18-years-old unless that person is accompanied by a parent, legal guardian, is legally emancipated, or is a minor mother.

### **Policies and Procedures**

- Shelter centers must have written client eligibility and screening procedures that are based solely on an individual's status as a victim of family violence.
- Shelter centers must have written policies and procedures to ensure services to eligible victims of family violence:
  - Without regard to income, and
  - who do not contribute, donate, or pay for these services.
- When determining client eligibility, shelter centers must not discriminate based on gender and/or sexual orientation.
- Shelter centers must have written procedures for access and delivery of services to non-English speaking persons and make every reasonable effort to serve non-English speaking persons.
- Shelter centers must have written policies outlining behaviors that preclude otherwise eligible individuals from receiving shelter center services.

In order to comply with federal laws, behaviors and reasons for precluding eligible persons from receiving shelter center services must be applied equally to all persons.

### **Confidentiality Policies and Procedures**

- Shelter centers must develop a written general confidentiality policy that includes:
  - A statement about the importance of confidentiality in maintaining safety;
  - A definition of confidential communications.

- The general principles of confidentiality.
- The parameters of what must be held confidential and by whom.
- The purposes for which the shelter center maintains each record.
- A designated custodian of the records.
- Procedures of retention and destruction of records.
- Procedures for the shelter center's practice in responding to court orders.
- The written confidentiality policy must:
  - Cover all confidential information, which includes all communications, observations, and information made by and between or about adult and child residents and nonresidents, staff, volunteers, student interns, and board members.
  - Provide that the address of employment, residence and family addresses of residents and nonresidents, staff, volunteer, interns, and board members be confidential.
  - Provide that the names of residents, nonresidents, staff, student interns, and volunteers not be disclosed without the written permission of the individual involved.
- Shelter centers must develop written procedures for the handling of information and information requests on a daily basis, including but not to be limited to:
  - Maintenance of records.
  - Access to records.
  - Release of information.
- Shelter centers must fully inform adult residents and nonresidents in writing of what kind of information is recorded, why and the methods of collection.
- Adult residents and nonresidents must be advised in writing of at least the following:
  - Their right to see their records.
  - The shelter center's policy and practices on confidentiality.
  - What kind of information is required to be reported and why, such as duty to warn and child abuse.
  - The shelter center's policy for responding to court orders.
  - The shelter center's policy for release of information.
  - When the records will be decoded or destroyed.
  - What kind of information will remain in the file once a resident or nonresident terminates services.

## **Confidentiality Agreement**

All staff, volunteers, board members, student interns, and adult residents and nonresidents must sign a confidentiality agreement. The agreements must be placed in the personnel files of the staff, with the corporate records of the board members, and in the individual files of volunteers, student interns, residents, and nonresidents.

The confidentiality agreement must have a provision that confidentiality be maintained after the staff, volunteer, board member, student intern, resident and nonresident leaves the shelter center program. The executive director, or in the executive director's absence, designated staff must be notified immediately if a court order is served regarding any program records, residents, nonresidents, shelter center activities, or personnel issues.

## **Policies and Procedures Training**

Shelter centers must provide training on confidentiality policies, procedures, and recording information to all staff and volunteers who have any contact with residents or nonresidents.

It is recommended that an attorney with expertise in confidentiality issues help train staff and volunteers.

## **Content of Case Files**

The content of client files must be limited to information necessary for:

- Statistical and funding purposes.
- Establishing goals for the counseling and advocacy relationship.
- Documenting the need for and delivery of services.
- Protecting the liability of the shelter program and its staff, volunteers, and board members.

Shelter centers must have written policy and procedures regarding entries into resident and nonresident files.

Each entry into resident and nonresident files must be signed and dated by the staff or volunteer entering the information.

Resident and nonresident files must not include the names of other residents or nonresidents.

It is recommended that:

- All entries are limited to those remarks that the staff or volunteer is comfortable sharing with the resident or nonresident.
- Case notes not contain diagnosis, labels, direct quotes, or judgements about a victim and/or the children.
- Warnings or notations regarding violations of cooperative living agreements not be filed in the resident's file.
- No personal papers of residents or nonresidents are retained in the case files.
- Counseling notes kept by student interns for the purpose of refining their skills and for supervision is kept in the students' supervision files and not be considered program records. All identifying material should be removed from the notes, including the names of residents, nonresidents, staff, volunteers, and other students.

Child resident and nonresident case files may be filed separately or may be included in the parent file.
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## **Access to Case Files**

1. Shelter centers must have written policy and procedures ensuring that residents and nonresidents may review, comment, and have access to their own case file.
2. Residents and nonresidents must be allowed to review all information in their own file.

3. If the case file entry is not removed and the resident or nonresident contests it, the shelter center must make a notation in the case file stating that the resident or nonresident believes the entry to be inaccurate.
4. Resident and nonresident files must be kept under lock. The files must not be removed from the shelter center program premises without the written permission of the custodian of the records.

It is recommended that shelter centers require residents and nonresidents to provide a written request for a copy of their case file and require that the file be reviewed in the presence of a staff person.

### **Release of information**

Shelter centers must obtain a written release of information from the resident or nonresident before releasing information orally or in writing. The release of information must include:

- The name of the person or agency to which the information is being released.
- The specific information to be released.
- The beginning and ending dates that the release is effective, not to exceed the resident's stay and not to exceed 45 days total for nonresidents.

The release of information must be signed and dated by the resident or nonresident and staff or volunteer.

Only one agency or person must be informed that they may revoke this consent at any time. This revocation must be submitted in writing.

### **Report of Child/Elder Abuse and Duty to Warn**

- A person having cause to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect by any person shall immediately make a report.
- If a professional has cause to believe that a child has been or may be abused or neglected, the professional shall make a report not later than the 48<sup>th</sup> hour after the hour the professional first suspects that the child has been or may be abused or neglected. A professional may not delegate to or rely on another person to make the report.<sup>7</sup>
- The requirement to report applies without exception to an individual whose personal communications may otherwise be privileged, including an attorney, a member of the clergy, a medical practitioner, a social worker, and a mental health professional.
- The identity of an individual making a report under this chapter is confidential and may be disclosed only on a court order or to a law enforcement officer for the purposes of conduction of a criminal investigation of the report.

The law (Section 261.101 of the Texas Family Code) is that a person having reasonable cause to believe that an elderly or disabled person is in the state of abuse, exploitation, or neglect must report the information to the Human Services Department.

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<sup>7</sup> "Professional" means an individual who is licensed, certified, or who is an employee of a facility licensed, certified, or operated by the state and who, in the normal course of official duties or duties for which a license or certification is required, has direct contact with children. The term includes teachers, nurses, doctors, and day-care employees.

Shelter centers must have written policies and procedures for reporting

- Child abuse or suspected child abuse, elder, and disabled abuse and must comply with state law.
- To appropriate mental health or law enforcement authorities, circumstances in which a victim of family violence may be harmful to self or others.

### **Retention and Destruction of Records**

Shelter centers must develop written policies and procedures for retention and destruction of all records, including but not limited to:

- Case notes, case content, and case files.
- State to state communications.
- All documentation required by funders.

It is recommended that staff-to-staff communications that cannot be made verbally due to staffing patterns be destroyed as soon as possible.

In determining which records to retain, it is recommended that shelter centers weigh the program's need for information against the potential for misuse of the record.

It is recommended that a shelter center have a compelling purpose for the retention of any identifying information after a resident or nonresident leaves the shelter center program.

### **Resident and Nonresident Rights**

Shelter centers must:

- Provide written resident and nonresident rights to all residents and nonresidents.
- Post resident and nonresident rights in a visible area within all shelter center facilities.

It is recommended that adult rights be written and included in the resident's or nonresident's orientation. It is recommended that shelter centers develop specific children's rights that are appropriate for the various age groups (e.g., young children and adolescents).

Children's rights may be presented to children in a group setting.

# Facility, Safety, and Health

The health and safety of all residents in any shelter are of the utmost priority.

## Physical Plant

- All shelter center facilities should be in adequate repair and in compliance with local health, fire, electrical, and building codes.
- Shelter centers should make reasonable accommodations for accessibility that do not create a financial burden to the shelter center and that comply with the Americans With Disabilities Act.
- Shelter centers should provide the 24-hour-a-day shelter with:
  - A kitchen and eating area.
  - A group living area.
  - Bathroom facilities including toilets, lavatories, and bathing facilities.
  - Sleeping facilities.
  - Private counseling and/or group room.
  - Basic furnishings that are clean and in good repair including beds and bed linens, cribs, dining room tables, chairs, highchairs, and a place to store clothes, such as drawers or closets.
  - A safe indoor play space equipped with toys in good repair, arts and craft supplies.
  - A safe outdoor playground equipped with toys in good condition.
- Shelter centers should have a written policy on smoking that is posted in the shelter facilities. If smoking is allowed in the shelter facility, there must be a designated smoking area that is well ventilated.

Note: A safe indoor space may be designated children's playroom or a designated play area within the shelter. A safe outdoor play space may be an outdoor area on the shelter center's property or an outdoor area away from the shelter that is considered a safe space.

It is recommended that shelter centers provide:

- A designated space for teenagers.
- At least one bathroom with accommodations for children.
- Furnishings for young children.

It is recommended that shelter center's environment reflect the ethnic/cultural diversity of residents and nonresidents.

## Food Preparation and Serving Areas

- Food preparation and serving areas should be adequate to ensure the safe storage and preparation of food.
- Shelter centers should have written procedures to ensure that residents are provided with at least three well-balanced meals or ingredients for well-balanced meals and an additional two snacks a day for children.

- Shelter centers with kitchens that are closed during designated hours should develop written procedures that provide for alternative access to essential food and food preparation.
- Shelter centers should make reasonable dietary accommodations for residents requiring special medical diets, as requested by their health care providers, and that comply with the Americans With Disabilities Acts.
- Shelter centers should not require residents to use food stamps to purchase shelter meals. If shelter centers accept food stamps for the purchase of meals, written policies and procedures should be developed ensuring compliance with United States Department of Agriculture (USDA) food stamp regulations.

It is recommended that shelter centers offer alternative menus to respect individual dietary preferences.

It is recommended that shelter centers comply with the Rules on Food Service Sanitation as adopted by the Texas Board of Health.<sup>8</sup>

## **Clothing**

Shelter centers should have written procedures for providing clothing to residents and nonresidents.

### **24-Hour-a-Day Shelter Residents' Belongings**

- Shelter centers should have written policies and procedures regarding the security of residents' belongings.
- Residents should be informed in writing:
  - How long personal belongings will be stored if they leave the 24-hour-a-day shelter, and
  - what will happen to their items if they do not pick them up by the deadline?

## **Safety and Security**

- Shelter centers should have written policies and procedures to ensure the safety and security of residents and nonresidents.
- Shelter centers should have written safety and security policies and procedures for responding to:
  - Assaults to persons.
  - Natural disasters, such as tornadoes, and floods.
  - Fires.<sup>9</sup>

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<sup>8</sup> For a copy of the Rules on Food Service Sanitation, shelter centers should contact their local Health Department.

<sup>9</sup> Domestic Violence Shelters or general populations that house domestic violence victims must have additional written security procedures. See the...Handbook...from the Texas Council on Family Violence.

- Shelter centers should develop and endorse written nonviolent disciplinary policies and procedures regarding child residents and nonresidents.
- Shelter centers should have written policies and procedures ensuring the safety of children in shelter center facilities and maintaining the safety of children when staff or volunteers take them on outings.
- A first aid kit, accessible to staff and volunteers, should be kept in all shelter center facilities.
- Shelter center facilities should clearly mark all exits with appropriate exit signs.

It is recommended that shelter centers provide first aid and CPR training to staff and direct service volunteers.

### **24-Hour-a-Day Shelter Safety and Security**

1. 24-hour-a-day shelters should have 24-hour on-site staff and/or volunteer coverage when there are residents staying in the shelter facility.
2. Any shelter that accepts victims of domestic violence should have written procedures to ensure safety by providing a security system that is operational 24-hours-a-day.

Security systems may include, but are not limited to, special lighting, alarm systems, deadbolts, or agreements with local law enforcement.<sup>10</sup>

## **Health and Hygiene**

Shelter centers should have written health and hygiene policies and procedures that include but are not limited to:

- Practices to prevent the spread of contagious diseases.
- Hygienic practices for kitchen, bathroom, sleeping, and children areas, including children's toys and highchairs.

### **24 hour-a-day Shelter Personal Hygiene Items**

- Residents should have daily access to basic personal hygiene items.
- When providing personal hygiene items, shelter centers should consider the diverse needs of the population of the shelter service area.

Shelter centers are encouraged to provide ethnic-specific cosmetics.

### **Communicable Disease**

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<sup>10</sup>Domestic Violence shelters should not publicize the location of the emergency shelter. In addition, stalking issues associated with batterers must be considered in determining the safety of the shelter facility.

Shelter centers should have written policies and procedures concerning the provision of services to individuals with a communicable disease, including:

- Procedures that comply with the local, regional, or state health department and federal regulations.
- Procedures that comply with The Communicable Disease Prevention and Control Act under the Health & Safety Code, Chapter 81, and the Texas Department of Health's rules and regulations governing the control and reporting of notifiable conditions for notification to the local health authority or department concerning reportable illnesses.
- Procedures that ensure as much as possible that other residents, staff, and volunteers will be safe from infection.
- Procedures that address the safety of the victim and ensure that the ailing resident(s) is treated with respect.

The Rules and Regulations Governing the Control and Reporting of Notifiable Conditions (Texas Department of Health) provides rules regarding the notification and provisions of reportable diseases. The local Health Department should be:

- Notified of a person suspected of having a reportable disease.
- Provided with all available information concerning their illness and physical condition.

## **Immunizations**

Shelter centers with on-site medical providers are required by law to screen the immunization status of children ages 0 – 18. If immunizations are needed, the medical provider is required to give the immunizations or make a referral.

Shelter centers should provide basic written information on schedules for immunizations, information about vaccine-preventable diseases and the need for immunizations.

It is recommended that the shelter center contact their local, regional, or state department of health for free information, posters, and brochures on the subject of immunizations.

To ensure that children are fully immunized, shelter centers are encouraged to call the state health department immunization division to develop an immunization plan.

## **Additional Guidelines for Maximum Facility, Safety, and Health Management**

- Shelter centers are encouraged to network with their local health department and other medical providers to establish free on-site health screening services.
- Shelter centers are encouraged to work with Health professionals to offer on site nutrition programs.
- Shelter centers are encouraged to network with local businesses to provide free on and off site services, i.e., haircuts, aerobic classes, educational and recreational programs, passes to local gym, etc.
- Shelter centers are encouraged to provide comfortable surroundings that are carefully planned. Community groups may adopt bedrooms.
- Shelter centers are encouraged to utilize mattresses and pillows with protective covers.
- It is recommended that shelter centers network with the community to provide clothing in various sizes and styles, for example: full and petite sizes, maternity clothing, and clothing for job interviews. Shelter centers are encouraged to provide resident children in need with new undergarments.

# Service Delivery

## Non-Emergency Transportation

Shelter centers should provide transportation or make transportation arrangements for children attending school.

It is recommended that

- Shelter centers provide transportation for child residents/nonresidents to attend social or recreational activities.
- Shelter centers provide or assist residents in accessing transportation to medical and legal appointments; job training and interviews; work sites; and training sites after employment or training is secured and until the residents can make their own arrangements.

## Initial Delivery of Adult Direct Services

Shelter centers should

- Ensure and document that new adult residents have direct contact with a staff person within 16 hours of the resident's admission.
- Have written procedures ensuring that each adult resident is provided an orientation within 16 hours of the resident's arrival about shelter center services. The orientation should be documented and include but not be limited to:
  - Explanation of services available.
  - Cooperative living agreement; an agreement between the shelter and the residents promoting health, safety, and daily shelter operations.
  - Length of stay.
  - Termination policy.
  - Residents' rights.
  - Nondiscrimination statement.
  - Grievance procedures.
  - Safety and security procedures, including medication.
  - Confidentiality and limits of confidentiality.
  - Waivers of liability.

## Initial Delivery of Children's Direct Services and Children's Advocate

Shelter centers should

- Have written procedures ensuring that new child residents and/or parent residents will have direct contact with the designated children's staff. This service should be documented.
- Designate at least one staff person, either paid or volunteer, to act as a children's advocate.
- Document in writing that the designated staff acting as children's advocate has the following:
  - Knowledge of child development, parenting skills, and dynamics of family relationships.
  - Sensitivity to the needs of children.

- Ability to respond in a constructive, supportive manner to the resident parent and child in crisis.
- Ability to plan and implement activities for children.
- Knowledge of the local network of children's services.

In order to determine the services needed, it is recommended that shelter centers ensure that all new child residents have direct contact with the designated children's staff within 72 hours of the resident's admission. If the child can not developmentally be involved in this process, it is recommended that the needs assessment be done with the parent resident.

### **Cooperative Living Agreements**

Shelter centers should have written guidelines that promote cooperative living. These guidelines should be posted in a visible area. To promote cooperative living, house management meetings should be held regularly.

Cooperative living agreements may include chore expectations, childcare arrangements, a violence-free and drug/substance-free environment, resident's privacy, and resident and location confidentiality.

It is recommended that

- Shelter centers promote individualized cooperative living agreements based upon each resident's special circumstances.
- Some special circumstances are individually dealt with, for example specific concerns regarding personal hygiene. Other circumstances may be addressed in house meetings, for example concerns regarding loud noises during quiet time.

### **Termination of Services**

Shelter centers should have written procedures for:

- Voluntary and involuntary termination of services; and
- Appealing terminations.

Residents should be informed in writing of their right to appeal a termination of services. Notice to the resident should be provided with a fair hearing.

Shelter centers should have written policies outlining behaviors for which services can be terminated. Threatening or inappropriate behaviors should be non-gender specific and should apply equally to all residents.

If a resident violates the cooperative living agreement, it is recommended that the shelter center staff work with the resident rather than automatically terminating services.

### **Medical Care**

There should be assistance regarding any urgent medical situation for the victims of family violence accessing shelter center services.

### **Emergency Medical Care**

Each shelter should:

- Develop written procedures to help resident and nonresident victims of family violence obtain emergency medical services.
- Maintain a current list of emergency medical care resources that can provide medical services for victims of family violence.

### **Non-Emergency Medical Care**

Shelter centers should develop written procedures to help residents and nonresidents obtain non-emergency medical services, including networking with local medical professionals to encourage the provision of low cost medical services to residents and nonresidents.

Shelter centers should have written policies and procedures regarding all prescribed and non-prescribed medications used by residents, including but not limited to:

- Self-administration of drugs and medications.
- Methods for control and accountability of drugs and medications.
- A system, which ensures that adult residents have direct or immediate access to their own and their children's medication.

### **Individual Counseling**

It is recommended that

- The service plan be developed with the resident or nonresident and reflect the resident's or nonresident's particular needs.
- For residents or nonresidents that need therapeutic or ongoing counseling, shelter centers network with local mental health providers to encourage reduced-rate and/or donated services.

The distribution of religious literature in and of itself is not illegal, however, the liability in terms of being discriminatory should be considered when distributing materials from any one religion.

Shelter center staff and volunteers should respect the culture and beliefs of each resident or nonresident.

### **Group Counseling**

Shelter centers should:

- Not mandate attendance for group counseling.

## **Educational Arrangements for Children**

There should be provisions that result in a child being in compliance with the compulsory attendance requirements found in the Education Code.

Shelter centers should have written policies and procedures that ensure children enroll in a school or program that satisfies compulsory attendance requirements as defined in the Education Code and enable the child to regularly attend a school or program.

Shelter centers should inform residents about educational services and at the parent's request:

- Help the parent make arrangements for the child's continued education.
- Accompany the parent to school meetings regarding the child's special needs.
- Act as a liaison to the school regarding provisions in a protective order that may directly affect the child's safety.
  - Provide or arrange for school supplies and clothing.
  - Provide transportation for education.

In general, the term educational services can include enrollment in a public school, a private or parochial school, or for certain children, enrollment in high school equivalency examination preparation programs.

Shelter centers may contract with the school district or another educational entity to provide educational services at the shelter.

## **Referral System**

Referring residents or nonresidents to existing community resources, including but not limited to medical care, resource assistance, public assistance, counseling and treatment services, children's services, and other appropriate services.

Shelter centers should maintain and make readily accessible to staff and volunteers a current printed referral list including telephone numbers of existing community resources for each county where services are provided.

It is recommended that:

- The referral list include the eligibility criteria, restrictions, fee schedule, contact persons, hours of operation and location for each resource.
- Shelter centers establish cooperative relationships with community resources and attempt to obtain feedback from residents and nonresidents regarding referrals made.

## **Information and Referrals About Training for and Seeking Employment**

There should be information and referrals about employment training and employment opportunities, either directly or through formal arrangements with other agencies.

Shelter centers should have written procedures to ensure that residents and nonresidents obtain current information about training and employment opportunities.

Shelter centers should provide or arrange the following for residents and nonresidents:

- Clothing for employment or training interviews and positions, except for positions requiring specific uniforms.
- Assistance in preparing employment applications, training applications, and resumes.
- Information on job seeking skills.

Shelter centers may provide these services either directly or through formal arrangements with other agencies.

### **Additional Guidelines for Maximum Service Delivery Effectiveness**

- Shelter centers are encouraged to list all the types of records kept in the organization and evaluate the necessity for each, keeping in mind the consequences of being ordered to release the recorded information. Whenever possible, shelter centers are encouraged to review the forms with the assistance of an attorney who can explain the ramifications of recording the information.
- It is recommended that shelter centers consider obtaining on-site paper shredders to further protect confidentiality. It is important to remember that once court orders have been served, records may not be destroyed.
- Shelter centers are encouraged to seek non-traditional job training programs, possible in coordination with local government. Often non-traditional jobs offer higher salaries and benefits.
- Shelter centers are encouraged to network with the local educational institutions to provide on-site G.E.D. training, tutoring, etc.
- To ease the pain of entering an emergency shelter, it is recommended that the children's advocate have toys ready to give each child. To empower the children, it is recommended that children pick their own toys, for example a stuffed animal and one or two more toys. It is recommended that the toys be new or "gently used" and developmentally appropriate. It is recommended that infants also receive toys. It is recommended that shelter centers encourage all staff and volunteers to listen and talk to the children.
- It is recommended that shelter centers limit children's television watching and instead provide fun daily activities.
- It is recommended that shelter centers develop working relationships with Local Workforce Development Boards to coordinate job training and placement.
- Shelter centers are encouraged to meet Minimum Standards for Day Care Centers, in particular adult-child ratios, when taking children on field trips or when supervising infants or toddlers. When remodeling facilities, shelter centers are encouraged to update the facility by meeting the minimum indoor activity and outdoor play space standards.
- It is recommended that shelter centers have all forms, brochures, etc. translated by professional translators into the languages that are mostly likely to be used in the shelter center's service area.
- Shelter centers are encouraged to network and share resources when appropriate and prudent.

# Psychiatric Issues in Residential Settings

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**Overview.** Human service managers are frequently faced with new demands to provide quality services. People who access residential services often arrive with little more than the clothes on their back. Many have recently experienced moderate to severe psychosocial stressors, and they may be confused, disoriented, and despondent. Some may have a history of psychiatric illness and substance abuse.

Residential service staffs often have limited experience in assisting people who have mental disabilities. The facilities are often not very well designed to provide its customers with opportunities to relax. Transportation to behavioral healthcare services may be unreliable or impractical. The public transportation system is frequently non-existent or highly inconvenient.

Given these challenges, it is likely that the human service manager will be faced with managing behavioral crises. Psychiatric emergencies in residential settings can be a challenge that must be faced by the human services program manager.

There are many causes of behavioral health crisis in residential facilities. Customers of these facilities often have experiences that are beyond the normal experiences that residential staff has witnessed. However, some residents may have a diagnosable mental illness.

**Mental Illness.** Mental illnesses are clusters of symptoms or patterns of behavior that cause distress and impair functioning. These illnesses, if untreated, may cause death, pain, and loss of freedom for the individual. The characteristics of these symptoms can be ordered and classified. Some of the more commonly encountered mental disorders that may be encountered in facilities are psychotic disorders, mood disorder and personality disorders.

Psychotic disorders are characterized by gross disturbances in thoughts, feelings and relating to the world. In psychotic Disorders, delusions and hallucinations are present. The delusions and hallucinations may be related to a theme, such as an unwarranted feeling of persecution. An individual's response to others may be inappropriate (e.g., as laughing upon receipt of bad news or sexual inappropriateness in public). Social impairment and oddities of behavior are common. Loosening of associations between thoughts and within conversations may occur. When trying to carry on a conversation with a person who has a psychotic disorder, it may be difficult for that person to focus and stick to a topic.

Mood disorders are characterized by a disturbance in the way people feel about themselves, others, and the activities in their lives. With a Major Depressive Disorder, a depressed mood or a loss of interest or pleasure in nearly all activities occurs. The person may have a serious impairment in attending to things that may be of importance such as work or family. The person often describes their mood as depressed, sad, down in the dumps. Feelings of worthlessness, excessive guilt,

indecisiveness, or suicidal thoughts may be present. Disturbances in sleep and concentration can be observed. Weight loss (or gain), poor personal hygiene, and decreased energy is often reported. To others, the person may appear sad, irritable, tearful, obsessive, and appear to worry excessively. Bipolar Disorders, also a disorder of mood, are characterized by one or more manic episodes in addition to features associated with depressive episodes. Manic episodes are characterized by euphoric, elevated, or expansive moods that last at least a week. The person may have an inflated sense of self-esteem or grandiosity, decreased need for sleep, and be more talkative than usual. Their thoughts may race along, and may be easily distracted. Excessive involvement in pleasurable activities that may be harmful may also be observed. People who are in a manic episode may not recognize their mood. They may be impulsive, making bizarre changes to their dress, giving away possessions, suddenly traveling long distances.

Personality Disorders are enduring patterns of behavior and thoughts that may be very different from what is expected in their culture. These patterns of behaviors are typically stable over time, are observed to be inflexible, maladaptive, and lead to distress and impairment. Personality Disorders can be grouped into three clusters. Cluster A includes the Paranoid, Schizoid, and Schizotypal Personality Disorders. Individuals in this grouping appear odd or eccentric. Cluster B includes the Antisocial, Borderline, Histrionic, and Narcissistic Personality Disorders. Individuals with these Disorders appear dramatic, emotional, or erratic. Cluster C includes the Avoidant, Dependent, and Obsessive Personality Disorders. Individuals with these disorders appear fearful or anxious.

The presence of a mental illness does not tell one the extent that the illness impairs a person's ability to perform daily activities that may be important to quality of life. The presence of a mental illness does not necessarily preclude a person from accepting responsibilities for his/her actions. Behavioral health clinicians often utilize a tool known as the Global Assessment of Functioning (GAF) scale to assess the persons functioning. This scale is scored on a range of 0 – 100. A score of 10 on this scale would indicate that the person presents a persistent danger to themselves (suicidal) or danger to others (homicidal, frequently violent). Inability to maintain minimal personal hygiene would also score a ten. A score of 50 would indicate that serious symptoms are present such as difficulty in keeping a job, suicidal thoughts, no friends, or frequent involvement with law enforcement (i.e. shoplifting). A score of 90 indicates that minimal symptoms may be present, but he/she may still be socially effective with no more than ordinary problem. In order to receive public mental health services in Texas, a person must be a member of the priority population. In order to be a member of the priority population an adult must be diagnosed with a serious mental illness (Schizophrenia, Bipolar Disorder or Major Depressive Disorder) and must have a GAF score of 50 or below. A different set of criteria exists for people under 18 years old.

**Mental Health Service in Texas.** Almost 2.6 million Texans –nearly one in six people—have some form of mental illness. Approximately 340,000 are members of the “priority population.” Due to limited resources, TDMHMR is only able to serve about 115,000. Funding from the Texas Department of Mental Health and Mental Retardation (TDMHMR) assists individuals most in need of mental health services. Services in Texas are generally provided by Community Mental Health and Mental Retardation Centers, which are organized by county, local, or state governments.

Individuals access services by first contacting the nearest community-based program. The community-based program determines eligibility for services, service needs, and service locations.

Thirty-five community MHMR centers are located across the state. These centers contract with the Texas Department of Mental Health and Mental Retardation to provide core services. Many provide additional services using non-state funds.

Individuals contacting a community-based program may also be referred to a state facility for services. State facilities offer core services in local communities as well as residential services provided on the facility campus. Nine state hospitals provide services to people with mental illness, and 13 State schools serve individuals who have mental retardation and related conditions. Three State centers provide both mental health and mental retardation services; two provide mental retardation services only.

Community Mental Health and Mental Retardation Centers should be able to provide assistance to the staff and customers of a residential facility. Community Mental Health Centers are required to provide core services in the county or regions that they serve. One of these core services is assessment. Assessment is the process of obtaining and evaluating historical, social, functional, psychiatric, developmental, or other information from the individual and family seeking services sufficient to determine priority population eligibility, level of need (including urgency), specific treatment needs, and personal strengths (including the preferences of the person seeking services). Another core service is Service Coordination. Service Coordinators facilitate access to resources and services as needed and coordination of the individual's treatment with the individual, family, and collateral providers, as appropriate. Often, Service Coordination is provided by a single continuity of care staff person responsible for each individual served.

Community Mental Health and Mental Retardation Centers can assist residential service providers with persons who have a mental illness and who may be residing in their facility. However, a behavioral crisis is not readily predictable, and some crises may not be due to an underlying, serious mental disorder.

**Prevention and Management of Aggressive Behavior.** The staff of residential facilities must learn how to identify, assess, and manage these situations, preferably before these situations escalate. TDMHMR utilizes a program known as the Prevention and Management of Aggressive Behavior (PMAB). It is designed to prevent and manage aggressive behavior in persons with mental illness and mental retardation. PMAB plays an essential role in ensuring that the facility is a safe place to be – both for staff and clients. The PMAB program is designed not only for the prevention of certain aggressive behaviors, it also provides training in physical interventions in which aggressive persons are controlled and the harm that they may pose is contained. It is of course beyond the scope of this document to review those physical techniques. However, it may be of benefit to discuss the verbal intervention techniques.

**Aggression.** There are many reasons for aggressive behavior. For example:

- Lack of positive role models
- Not knowing how to communicate needs positively

- Medication side effects
- Reduced inhibitions from central nervous system damage
- Past experiences
- Environmental conditions
- Critical moments of fear, anger, grief, and emotional despair
- Loss of power or control
- Stress

Helping people find their appropriate ways for managing aggression and preventing it, is a major responsibility for staff members. Staff, who develop a caring, respectful relationships and show kindness and consideration in every contact with those they serve, are helping to prevent these kind of problems.

As employees display these qualities, they become more open and available to the persons that they serve. The person begins to see the staff member as a resource for helping them solve their problems. As an employee remains available, those in his or her care do not need to resort to negative actions such as aggression to meet their needs.

Even if a person becomes aggressive, an employee who has built a relationship with that person is more effective. Because of their relationship, the person trusts the staff member and knows the staff member will help.

**PMAB Principles.** The behavior modeled by employees has a tremendous impact on the relationships with people served. People respond according to actions towards them. Because of this, employees should understand how their actions impact others. The PMAB program is based upon four principles that provide guidance in interacting with the people served. These principles provide employees with a consistent approach for dealing with crises.

**Direct by Yielding.** A person in crisis may be in a state of extreme emotional stress. They may use strong words or resort to physical aggression that could lead to the situation escalating. Use the principle of direct by yielding to work with, and not against, the person served. If the person is using forceful energy to explain their point of view, join the person in their effort to be understood. Listen fully to what the person in their effort to be understood. Listen fully to what the person has to say before offering an opinion. Listening non-judgmentally can help the person express their feelings and open the way to resolving the concerns.

**Action-Reaction.** Choose actions carefully to get the desired reaction.

Humans react to the world around them both emotionally and behaviorally. When something happens to a person, internal reactions may cause him or her to have certain feelings. For example, people often feel sad when they hear of tragedy. They may feel frustrated when things do not go their way.

Reactions to events can also trigger certain behaviors. For example, a sad person may cry. They may say things when frustrated that they later regret. Each person's internal and external reaction to an event is unique.

When applying the action-reaction principle, employees should become aware of how personal actions affect others. For instance, an employee should consider how personal behaviors affect what they are trying to achieve when working with a person. If the employee attempts to control a person, a typical reaction could be increased resistance or aggression. Allowing a person freedom of movement or choice can encourage calm and/or cooperation.

Tone of voice can invoke a positive or negative reaction in a person depending on the circumstances. If the person is hostile and using strong words, applying the action-reaction principle by listening and responding calmly will likely cause the person to react by becoming calm as well. Speaking calmly indicates that the employee is willing to assist.

Consistent behaviors and actions toward a person enable that person to react consistently as well. When an employee's reaction do not cause a desired reaction in the person served, the employee should consider changing actions to get a more favorable reaction.

**One Step at a Time.** Do things one-step at a time. Do things one-step at a time until they become automatic? First when a person becomes agitated, employees learn to recognize behaviors that indicate agitation in that person. It is best to detect them as early as possible. Second, the employee should communicate these observations to the person and assist them in working out a peaceful solution. Third, should the person become physically aggressive, the employee must act to prevent injuries.

**Zero to 100.** The principle of 0 to 100 guides the amount of speed and strength used to manage aggressive behaviors. An employee must be able to respond to a situation in a moment's notice. It is the notion of the right amount of action at the right time. While the 0-100 principle chiefly applies to the application of physical force to control a situation, this principle can also be applied when speaking to a person in crisis. Employees must become aware of the volume and tone of their voice when managing such a situation. An employee can be firm and direct without using excessive verbal energy and should act as a counter balance to the person in crisis.

**Staff Convenience v. Rights of Person Served.** All persons served have rights. Employees have the responsibility for protecting these rights even if it causes an inconvenience for the employee. For example, if a person causing a disruption is unwilling to move to a quiet area, employees must find an alternative plan of action rather than forcing the person to move. The employees may decide to assist other people to move away from the person causing the disruption.

Employees must honor the rights of persons served unless the safety of the person is at stake. If the person is making a choice that could lead to injury unless action is taken, then employees have an obligation to ensure the safety of the person despite a possible violation of the person's rights.

Instances like these might be rare, but employees must ensure that both the rights and safety of the persons served are protected.

**Getting Help.** Many Community Mental Health and Mental Retardation Centers are happy to assist residential service providers in providing the highest quality of care for persons with mental illness. All community centers operate 24-hours-a-day, seven-days a week crisis telephone hotline, often staffed by volunteers. (See “Crisis Hotline Numbers”). Ask if your staff can attend the volunteer training. Ask local law enforcement if they can meet with employees, tour the facilities, and discuss an action plan to handle crises. Other sources of help may be other residents and neighbors. The key is to solicit help before a crisis occurs.

## Works Consulted

Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition. 1995. American Psychiatric Association. Washington, D.C.

PMAB, 3<sup>rd</sup> Edition, Texas Department of Mental Health and Mental Retardation, 1999. Austin, TX.

## **Crisis Hotline Numbers**

Use these numbers to receive assistance with a mental health or mental retardation crisis. To report a complaint about rights violations in a community MHMR center or TXMHMR component, call the Rights Protection Officer at the center or component.

### Statewide

TXMHMR Client Services

*Austin*

800-252-8154

512-206-5760

### Community MHMR Centers

#### *Location*

#### Telephone

Abilene Regional MHMR Center

*Abilene*

800-758-3344

ACCESS (Anderson/Cherokee Community Enrichment Service)

*Jacksonville*

800-621-1693

Andrews Center

*Athens*

903-675-8541

800-256-5851

*Canton*

903-567-4197

800-256-5861

*Mineola*

903-569-5409

800-256-5254

*Tyler*

903-597-1351

800-374-6058

Austin Travis County MHMR Center

*Austin*

512-472-HELP (4357)

TDD: 512-302-0051

Burke Center

*Lufkin*

800-392-8342

Bluebonnet Trails Community MHMR Center  
*Round Rock*  
800-841-1255

The Center for Health Care Services  
*San Antonio*  
210-226-9241  
800-316-9241

Central Counties Center for MHMR Services  
*Temple*  
800-888-4036

Central Plains Center for MHMR and Substance Abuse  
*Plainview*  
806-296-5555  
800-687-1300

The Central Texas MHMR Center  
*Brownwood*  
800-458-7788

Coastal Plains Community MHMR Center (Formerly Coastal Plain State-Operated  
Community MHMR Services.)  
*Corpus Christi*  
888-819-5312

Dallas MetroCare Services  
*Dallas*  
214-637-4600 (Days)  
214-330-7722 (Evenings)

Denton County MHMR Center  
*Denton*  
940-387-5555  
800-762-0157

Gulf Bend MHMR Center  
*Victoria*  
800-421-8825

The Gulf Coast Center  
*Galveston*  
800-643-0967 (For Brazoria and Galveston Counties only.)  
409-772-3474 (UTMB)

Heart of Texas Region MHMR Center  
*Waco*  
254-776-1101

Helen Farabee Regional MHMR Centers  
*Wichita Falls*  
888-254-7143

Hill Country Community MHMR Center  
*Kerrville*--For Bandera, Edwards, Gillespie, Kendall, Kerr, Kimble, Kinney, Llano,  
Mason, Medina, Menard, Real, Schleicher, Sutton, Uvalde and Val Verde Counties.  
800-833-5155  
*San Marcos*--For Blanco and Hays Counties.  
512-392-7151  
*New Braunfels*--For Comal County.  
830-620-6221  
888-315-3277

Hunt County Mental Health and Mental Retardation  
*Greenville*  
903-457-8383

Johnson-Ellis-Navarro MHMR Services  
*Cleburne*  
800-458-0735

Life Management Center for MHMR Services  
*El Paso*  
915-779-1800

Life Resource  
*Beaumont*  
409-838-1818  
800-937-8097

LifePath Systems (Formerly Collin County MHMR Center.)  
*McKinney*  
972-562-0080 (Days)  
972-562-7722 (Evenings)  
*Plano*  
972-422-5939 (Days)  
972-562-7722 (Evenings)

Lubbock Regional MHMR Center  
*Lubbock*  
806-740-1414

MHMR of Tarrant County (Formerly Tarrant County MHMR Services.)  
*Fort Worth*  
817-335-3022

MHMRA of Brazos Valley  
*Bryan*  
409-822-6467

MHMRA of Harris County  
*Houston*  
713-970-7070

MHMR Services for the Concho Valley  
*San Angelo*  
915-653-5933  
800-375-8965

MHMR Services of Texoma  
*Sherman*  
903-893-0175 (MH)  
903-465-3885 (MR)

Northeast Texas MHMR Center  
*Texarkana*  
800-945-4145

Nueces County MHMR Community Center  
*Corpus Christi*  
361-814-8633

Pecan Valley MHMR Region  
*Stephenville*  
800-772-5987

Permian Basin Community Centers for MHMR  
*Midland*  
915-570-3300  
*Odessa*  
915-333-3265

Permian Basin Community Centers for MHMR: Big Bend Frontier Division  
*Alpine*  
800-542-4005

Sabine Valley Center  
*Longview*  
903-758-4480  
800-832-1009

Texana Community MHMR Center (Merger of Riceland Regional MHA and Central Gulf SOCS on 9/1/99.)  
*Wharton*  
800-633-5686

Texas Panhandle MHA

*Amarillo*

800-692-4039

806-359-6699

Tri-County MHMR Services

*Conroe*

800-659-6994

Tropical Texas Center for MHMR

*Edinburg*

956-383-0121

West Texas Centers for MHMR

*Big Spring*

800-375-4357 (HELP)

## **State Hospitals**

*Location*

Telephone

Austin State Hospital

*Austin*

800-647-7418

Kerrville State Hospital

*Kerrville*

800-833-5155

San Antonio State Hospital

*San Antonio*

210-531-8301 (Consumer Services)

800-628-3265

Terrell State Hospital

*Terrell*

800-443-1831 (After hours, call 972-563-6452 M - F; 8 - 5.)

Waco Center for Youth

*Waco*

800-647-7418

## **State Schools**

*Location*

Telephone

Abilene State School  
*Abilene*  
915-692-4053

Austin State School  
*Austin*  
512-454-4731

Brenham State School  
*Brenham*  
409-836-4511

Denton State School  
*Denton*  
940-891-0342

Lubbock State School  
*Lubbock*  
806-763-7041

Lufkin State School  
*Lufkin*  
409-634-3353

Mexia State School  
*Mexia*  
254-562-2821

Richmond State School  
*Richmond*  
281-344-4681

San Angelo State School  
*Carlsbad*  
915-465-4391

San Antonio State School  
*San Antonio*  
210-532-9610

**State-Operated Community MHMR Services**

*Location*

Telephone

Camino Real State-Operated Community MHMR Services  
*Lytle*  
800-543-5750

Lakes Regional MHMR Center  
*Terrell*  
800-443-1831

**State Centers\***

*Location*

Telephone

Amarillo State Center

*Amarillo*

806-358-1681

Beaumont State Center

*Beaumont*

(No Crisis Hotline Number at this time.)

Laredo State Center

*Laredo*

800-643-1102

Rio Grande State Center

*Harlingen*

210-425-8900

\* Except for the Rio Grande and El Paso State Centers, state centers are part of the agency's state-operated community MHMR services (SOCS).

# Serving Victims of Domestic Violence

Diane L. Crosson  
Texas Council on Family Violence

## A Definition of Domestic Violence

When defining domestic violence, terms such as, “family violence,” “domestic violence,” “abuse,” “battering” and “spouse abuse” are often used interchangeably. A good comprehensive definition of abuse or battering is:

Battering is a pattern of coercive control that one person exercises over another. It is behavior that physically harms, arouses fear, prevents a woman from doing what she wishes, or forces her to behave in ways she does not want. Battering includes the use of physical and sexual violence, threats and intimidation, emotional abuse and economic deprivation.

## Responding to Battered Women

A battered woman may not identify herself as such. She may seem anxious and fearful. She may or may not have obvious bruises or injuries. She may be hesitant to discuss the abuse. She may feel there is no hope to change her situation and may be slow to trust service providers. She may feel shame and guilt about the abuse.

**If you wish to ascertain whether a client is a victim of domestic violence, you must always interview her in private, separate and away from the potential abuser. It will not be safe for her to be open or honest with you about the abuse in the presence of her abuser.**

There are two things that a battered woman should be told. One is that *the violence and abuse is not her fault*. Women not only get blamed by the abuser, but often have their own guilt about the relationship. Second, she should be told that *she does not deserve to be abused, and no one deserves to be treated in that way*. Hearing this from an outsider can help her begin to redefine the abuse as something she doesn't have to endure.

As with any client, it is important to determine the victim's needs without labeling or making judgements. Her understanding of the words "abuse" and "violence" may be different from yours. That is okay. Allow her to explain her experience; resist the urge to label or define her situation. Ask specific questions and use simple language. Some questions that may be useful in identifying her as a victim of domestic violence are:

- Is someone close to you hurting you?

- Does your husband or boyfriend ever act jealous or stop you from doing something you want to do?
- When your husband or boyfriend gets mad, does he ever yell at you? Call you names? Break or throw things? Push or shove you?
- Has he ever threatened to harm you or the children?
- Has he ever hit, slapped, choked or kicked you?

Answers to the following questions may indicate a higher level of severity and risk:

- Has he ever threatened to kill you or the children?
- Has he ever attacked or threatened you with a knife, gun or other weapon?

Battered women need to be treated with respect. Service providers responding to a victim of domestic violence should accept and affirm her experience without blaming or making judgments. Her choices, decisions, and her right to make her own decisions should be respected. Well-meaning helpers often try to push their own choices onto women, which only results in alienating them further. It is important that she feels she has an ally that she can turn to when she's ready.

Women who are abused need information about their options and resources available to them. Service providers working with a battered woman should refer her to the domestic violence program nearest her. Battered women can receive specialized services even though they may not be residing at the domestic violence shelter. Domestic violence programs can provide advocacy and information on her options, legal remedies and personal issues that may not be readily available through your program. She may also need information about other available resources, such as financial assistance, housing, job training, etc.

### Safety Planning

Battered women face increasing danger, and possibly even death, when they leave their abusive partners. Talking with her about her safety and the ongoing safety of herself and her children, "safety planning," is absolutely critical. This discussion should include ways that she can be safest at home, what to take if she leaves, how best to leave, as well as where she might go. Service providers can educate women about safety planning, assist in developing strategies that suit her needs and help her to rehearse strategies. It is important to advise her to re-evaluate her plan frequently and to share her plan *only* with those individuals whom she can trust to assist her.

The personal safety plan brochure can be a convenient reminder for a woman to review at any time. The brochure has space for emergency and other local phone numbers that she may need readily available. It is recommended that the numbers of local domestic violence programs, the National Domestic Violence Hotline, local police agencies, district attorneys offices, and other state and local referral agencies be included on the brochure. Due to the fact that the brochure has information on leaving an abusive situation, it should only be given out at a safe time and place, and should not fall into the hands of the abuser. Successful safety planning should enable women to continue evaluating and revising their plan for safety, as needed, even when they are no longer receiving services.

See Domestic Violence Brochures at the end of this chapter (English & Spanish).

### **General Domestic Violence Information**

Who are the victims of domestic violence? Victims of family violence are predominately women, as shown by the US Bureau of Justice Statistics stating that 92% of family violence is committed by men against female partners (1994). Family violence occurs in all ethnic, economic, racial and social groups.

In the domestic violence field, it is widely-accepted that abuse is based in the need of one person to exert control and maintain power over another. The Power and Control Wheel, developed by the Domestic Abuse Intervention Project (DAIP) in Duluth, Minnesota (1984) is an excellent illustration of this. The wheel shows the overall pattern of abusive and violent behaviors which are used to establish and maintain control over the battered woman.

Although physical assaults may occur only occasionally, they instill the threat of future violent attacks and allow the abuser to take control over the woman's life, (DAIP, 1984). Regular use of less obvious forms of abuse, such as intimidation, isolation and economic abuse when reinforced by acts of physical or sexual violence make up the larger system of abuse. The Power and Control wheel lists abusive behaviors which firmly establish a pattern of intimidation and control in the violent relationship.

See Power & Control Wheels at the end of this chapter (English & Spanish).

## Responsibility and Accountability

The batterer or abusive person is always responsible for the abuse and violence. There are no excuses for the controlling, abusive behavior. Furthermore, *family violence is a crime*. Hitting, slapping, beating one's wife is an assault. Assault is a crime.

Persons who have not experienced violence in their lives may have difficulty relating to the battered woman. In trying to understand her experience, the tendency is to make judgments or assumptions that the woman causes the abuse, deserves it or enjoys it. This is called victim blaming. No one wants to be physically abused. No one wants or enjoys living in the daily terror and uncertainty of domestic violence.

Blaming the victim is a way of distancing oneself from an unpleasant occurrence and thereby confirming one's own invulnerability. By labeling or accusing the victim, she can be seen as different from oneself. We reassure ourselves by thinking, "because I am not like her, that would never happen to me." Of course, that is not rational. Anyone can be victimized. Victim blaming is disrespectful and harmful.

Service providers must always monitor their own need for victim blaming, and then help others to understand that it is not useful for understanding family violence. The fact is, a woman becomes a victim of domestic violence simply by the misfortune of being in a relationship with an abusive man. It could happen to anyone. She does not provoke the abuse, want it or deserve it. She does not choose a man who will hit her. Remember, the abuser's violent behavior is a crime for which only he is responsible. Furthermore, without intervention, he will be abusive to any woman (subsequent wives and girlfriends) with whom he has an intimate relationship.

## Why Doesn't She Just Leave?

An assumption in our society is that it is okay and understandable for a man to be violent. However, we cannot understand why she takes it or stays with him. Why doesn't she just leave? The answer is complex. One answer is that many women do leave. Leaving is a process. A woman may leave the abusive situation 5 or 6 times before she can leave for good. There are many factors which affect her ability to leave.

1. Fear and danger are one. Women are at the greatest risk of being killed when they leave or make some effort towards ending the relationship. Battered women know what their abusers are capable of, and their fear is justified. The batterer has probably threatened to

- kill her if she ever leaves him. He may also have made threats against her children and other family members who might help her.
2. There are many economic barriers to her leaving. She may not have a job or even a high-school education. She may have children to protect and support. It will be difficult for her to find housing and support herself and her children under these circumstances.
  3. Concerns about her children can be a factor in keeping her in the abusive relationship. Her batterer may have threatened to get custody of the children if she leaves. Battered women fear for the safety of their children when their abuser has custody. She may feel that the children need both parents.
  4. Lack of support from the legal system, the community and her family may also be a factor. She may have tried to leave in the past only to find too many barriers: a legal system that could not protect her; lack of transportation, affordable housing and child care; and little or no support from her own family or church.
  5. She may feel shame and guilt about the abuse. She may have internalized the blame she receives from the abuser and from society. She may feel like a failure, because her marriage has failed.

### **Security Considerations for Your Facility**

If your agency serves battered women, security measures for the facility, clients, and program staff should be addressed. The agency should have policies and procedures to ensure the safety of clients and staff while on the facility's premises. Access to the shelter should be limited, women clients should be housed apart from men, and staff should be trained in agency procedures regarding violence and aggressive clients. Security measures such as locked entrances, privacy fencing, and security systems should be considered in establishing a safe environment.

### **Resources**

For service providers and advocates needing information or referrals:

**Texas Council on Family Violence 1-800-525-1978**

For battered women and victims of domestic violence needing crisis intervention and/or referrals, in Texas and nationwide:

**National Domestic Violence Hotline 1-800-799-7233 (SAFE)**

# The Role of a Coalition for the Homeless

For more than a decade, communities have struggled with the complex problems of homelessness. Faith-based shelters have provided emergency shelter. Soup kitchens have provided the needed food. City and county agencies have assisted homeless people to try to help people move to self-sufficiency. Often these independent agencies often find themselves overwhelmed with the complex needs of the homeless. The revolving door of needs has all too often been an obstacle to true self-sufficiency. In addition, gaps in the array of services that are difficult or expensive are overlooked.

Peter Brinkerhoff, in his book *Mission-Based Management*,<sup>11</sup> has identified seven trends that nonprofits can expect in the future. (1) There will be no increase in federal or state spending above inflation. Therefore, there will be an increased in competition for those decreasing resources. (2) The population increases as the “Boomers” hit 50. Our population is aging. (3) Demand for services will grow both in terms of volume and in meeting client’s needs. Instead of working ourselves out of a job, we can expect for the need to increase. (4) Because of the shortage of resources, the competition will increase. (5) Technology is rapidly changing business. (6) There will be a continued integration of new populations. (7) Funders and monitors will require more accountability. All of these trends will have a great impact of nonprofit homeless service providers.

In response to the growing complexity of the problems, the great need and the shrinking resources, homeless service providers have formed community wide coalitions for the homeless. A coalition for the homeless is an organization of community people who are committed to ending homelessness and providing more efficient services to those who experience homelessness. Coalitions take a variety of forms. Some are organized into a formal independent organization, with paid or unpaid staff, officers or core group planners, by-laws, tax exempt status, budgets, and membership fees. Others are informal gatherings of service providers working under the legal and financial umbrella of another organization. Coalitions can organize themselves in efficient organizations that meet the needs of the local service providers.

The purpose of the local coalition can also vary. Some coalitions establish informal collaborations and provide mutual support as service providers. Other coalitions focus on the continuum of care of the service providers or accessing resources, both state and federal. Strong coalitions are focused by their common sense of vision and a strong mission statement.

If all the participants in the coalition can agree on why they are meeting and what the purpose of their meeting is, then they can follow through with the details of how they will work together. These details are usually written in the form of by-laws or guidelines of the organization. Some coalitions agree that the coalition itself should never compete with individual service providers. Other coalitions take an active role in providing services and resources to fill the gaps in the continuum of care. All of these activities fall within the guidelines or the agreed upon rules of the coalition.

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<sup>11</sup> New York: John Wiley & Sons, Inc, 1994.

A strong, active and open coalition for the homeless gives a community many advantages. First, the coalition can be the voice of moral authority for the homeless in public policy. For example, a local coalition that is respected in the community can comment on any proposed law or appropriation that affects the homeless. This kind of unity allows the group to speak as one voice for those who all too often have no voice at all. A community without a strong coalition finds that there are multiple voices or no voices at all. Sometimes different agencies speak on both sides of issues making it harder to focus on what a community really needs to help homeless people move to self-sufficiency. A coalition improves everyone's credibility.

There is also safety in numbers. No one agency feels alone in speaking about needed services or public policy that affects the homeless. The coalition brings together people who can support each other in controversy.

Coalitions can also play an important role in community planning. More and more, state and federal agencies require community planning to identify and address the needs of the community. Where are the gaps in the services? What kinds of services are not being presently provided? What resources can be used to fund services that will fill the gap? A coalition can help a community avoid duplication and unnecessary services. Careful planning and evaluating can be an outcome of a strong coalition.

Even informal coalitions allow for networking and information sharing. A coalition supports each member's fund raisers and work projects. They allow for announcements and share information. This kind of information can help service providers find resources that they did not know about before becoming involved in a coalition.

Joint programming can be done. Projects, like Homeless Job Fairs or joint fund raising, are possible within the coalition. Coordination of services and programs can result from the relationships that are formed in the coalition. System and service level collaboration can be an outcome of having a strong coalition.

Most important, a coalition is an organization where each member agency puts the needs of the homeless people in the community above the needs of his/her own agency. In other words, the coalition is formed, not to enhance the individual standing of an agency but rather to focus on the needs and services that solve the problem of homelessness. The best and strongest coalitions understand that individual agencies and individuals need to collaborate to solve these complex problems.

### **Who Should Be Invited to Join the Coalition?**

Increasingly, service providers, legislative people and homeless advocates recognize that the problems of the homeless are complex and overlapping. Services provided in isolation are often only band-aide attempts to solve the immediate crisis. Emergency and transitional remedies alone, while critical, cannot ensure that the underlying causes of homelessness are removed. Homeless people require much more than safe, clean, and affordable housing.

In order to solve the long-term problems of homelessness, communities need a comprehensive system-wide approach that meets the many complex needs of homeless people. A system that ensures a continuum of care for homeless people and strives towards prevention of future homelessness can only exist with the collaboration of many community-based agencies, as well as public and private organizations. The implementation of such an approach often requires systemic change in a community—recognition that homelessness is not the problem of “some other agency” but the concern of the entire community.

Homeless coalitions are organizations that assist shelters and community-based agencies to plan, develop and implement collaborative services designed to provide needed care and create systemic change within the community. Members of the coalition work together to look at the larger picture and identify gaps in the services, unmet needs, and what future services might be required. Homeless coalitions also speak as one voice. Through mutual support and recognition of each member as part of a larger whole, a community attitude is created. This community is then better able to meet the needs of homeless people and foster the systematic change necessary to break the cycle of homelessness.

Therefore, coalitions should be inclusive of the entire community. It is especially important that every part of the community that has direct contact with homeless people is an active participant in the coalition. For example, the El Paso Coalition for the Homeless recently reported that after involving the local police in coalition work, the police actually discovered that the service providers of El Paso could be a resource for solving some of the city’s problems. The police now regularly bring people to the Opportunity Center for services.

Here is a list of some of the people who should be invited to participate and be members of a homeless coalition:

- Homeless persons.
- Shelters (faith based as well as secular).
- The Salvation Army.
- Churches.
- Business associations.
- Neighborhood associations.
- Police.
- School representatives (teachers and administrators).
- Health department and health care providers (hospitals, clinics, etc.).
- Mental health providers (private and public).
- Veterans service providers.
- Criminal justice system representatives.
- Workforce commissions.
- Community colleges and universities.
- Community action organizations.
- All emergency service providers (soup kitchens, feeding programs, food pantries, etc.).
- City/county government representatives (homeless coordinators).
- Housing authority.
- Food banks.

As coalitions are strengthened within communities, homeless people will have better services, and the long-term needs of homeless people will be met. Self-sufficiency can only be achieved and sustained when the entire community works together in collaboration.

## **Helpful Hints**

Strong coalitions make attendance a priority. That means lots of phone calls, reminders, and gentle prodding to get policy makers within local agencies at the table. Always make the meetings short, but worthwhile. Well-organized meetings leave people feeling that they have used their time well. Always start on time and end on time. Policy makers in homeless service providers can not afford to waste time. And, finally, decide on procedures and stick to the rules. No one likes feeling cheated or manipulated. That is one of the reasons that it is important to take the time and use consensus to write a mission statement and put together by-laws.

## **Building Effective Coalitions<sup>12</sup>**

Like most group activities – a home, an organization, and a team – effective coalitions seem to have a combination of elements that contribute to their success:

1. **There is a need for continuity** – a community coalition must have a core group that keeps it moving ahead, provides it with a sense of history and stability, and serves as the anchor of lasting networks for change.
2. **There is a need for flexibility** – a community coalition must be ready to adapt to changes and circumstances, avoid rigid bureaucratic structures, and set expectations that make sense in these changing times.
3. **There is a need to look outward** -- a community coalition must actively seek new members with fresh perspectives, join forces with existing and emerging organizations, come to understand the concerns of the entire community, and recognize and tap the full capacities within the community.

What do these ideas tell us? That creating an effective community coalition entails combining characteristics that may seem in conflict. At once, we are asked to give structure and remain flexible, embrace new members and keep old ones at the table, maintain perspective while always seeking additional ideas.

These are the characteristics of successful coalitions. The key seems to be embracing the overarching ideas noted above and realizing that simply having one, without the others, is not enough to be effective.

Qualities that contribute to successful community coalitions cluster around three ideas: **continuity, flexibility, and openness.**

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<sup>12</sup> Adapted from a Research Report by the Harwood Group, May 1993.

- **Being inclusive.** People in the community must be able to see their views and values reflected within the coalition.
- **Being able to come and go.** There must be a sense in the community that there are always opportunities to become part of the coalition, even if some groups are not currently members.
- **Looking outward.** The members of the coalition must focus on the needs of the community, not just their own needs.
- **Building connections to existing community institutions.** The coalition will benefit by drawing on the resources, skills, and experiences of existing community organizations and traditional leaders.
- **Maintaining continuity.** The coalition must maintain enough of the same membership over time to develop institutional knowledge, develop lasting networks, and instill a sense of responsibility for the coalition and its work.
- **Having the legitimacy to act.** There must be a sense that the coalition has the authority to take action—within the coalition and the eyes of others in the community.
- **Establishing realistic expectations.** Citizens need to understand what the coalition can accomplish. Realistic expectations are essential so that the coalition is not doomed to failure.
- **Making incremental progress.** The members of the coalition need to be able to see the fruits of their labor. They must be able to point to tangible accomplishments in order to sustain involvement in the coalition and build credibility with citizens.
- **Creating a steering committee.** The coalition needs a recognizable group to take responsibility for maintaining progress and action within the coalition.
- **Maintaining a flexible structure.** There is no template for building successful coalitions. Without the flexibility to change, the main purpose for coming together and the benefits of collaborative effort can be lost in strict procedural guidelines.
- **Recognizing and tapping the different skills of its members.** Each member of the coalition must be seen as having skills to contribute to the long-term success of the group. For example, some members might be better at getting projects going while others can do the day-to-day work. Leaders of the coalition need to give direction, then move aside and let the members use their skills.
- **Tapping the capacities of the community.** The coalition must recognize that citizens have roles to play in addressing issues. They must seek to find ways for people to assume these roles.

## Becoming a Nonprofit and Becoming Tax Exempt

This chapter describes the basic steps taken in order to form a charitable nonprofit corporation and receive tax exempt status. The title 501(c)(3) refers to the section of the Internal Revenue Code under which public benefit corporations may be organized. The 501(c)(3) designation is required for most Community Development funds. Some states and most federal programs require any applicant for grants and other funds to function as a freestanding nonprofit legal entity. Religious institutions are frequently already recognized as some kind of tax-exempt organization. Even so, it is advisable for religious institutions interested in community development work to set up a separate nonprofit organization to engage in development activities, to ensure accurate accounting and to avoid placing the religious institution at any financial risk. Sample corporations include programs dedicated to promoting community development, social welfare, education, the arts, public health, and affordable housing. Once your newly formed corporation acquires tax-exempt status, the IRS imposes specific accounting requirements and guidelines on business activities.

Filing articles of incorporation create a nonprofit corporation with the secretary of state in accordance with the Texas Nonprofit Corporation Act (“TNPCA”), articles 1396-3.02 and 1396-3.03. “Nonprofit Corporation” means a corporation no part of the income is distributable to members, directors, or officers [TNPCA, article 1396-1.092A(3)]. A nonprofit corporation may be created for any lawful purposes, which purposes must be fully stated in the articles of incorporation. Not all nonprofit corporations are entitled to exemption from state or federal taxes.

Exemption from federal and state taxation is not automatic and eligible corporations must apply with the Internal Revenue Service (“IRS”) and the State Comptroller to obtain an exemption. There are a variety of fees associated with applications for these various procedures. Therefore, this is a three-step process:

- 1) **State of Texas Incorporation** – Articles of Incorporation must be filed with the Secretary of State of Texas. A certificate of Incorporation is then issued for the organization. This must be done before the IRS can begin to evaluate an organization. The Secretary of State Office is also the place to have the availability of a proposed name of an organization checked. This check makes sure that the name of the organization is not being used by another organization.
- 2) **IRS Recognition of Exemption for an Organization** – Application for this recognition must be made to the IRS who will determine whether an organization is exempt from certain kinds of federal taxes.
- 3) **State of Texas Exemption Certificate** – After receiving a determination from the IRS, these papers are filed with the Comptroller of Public Accounts, State of Texas. The Comptroller’s office recognizes the exemption from franchise tax and also sales tax. An exemption certificate can be used in lieu of the sales tax on taxable items if they relate to the purpose of the exempt organization.

Some organizations hire an attorney or another person who specializes in filing these applications, but all of the necessary paperwork can be done by an organization itself.

### **State of Texas Incorporation**

The Texas Business Corporation Act and The Texas Nonprofit Act do not distinguish between corporations using these designations. When articles of incorporation are filed with the secretary of state pursuant to one of those statutes, either a business corporation or a nonprofit corporation is created. Designations such as S.C. or 501©(3) relate only to federal tax provisions.

The State of Texas provides assistance in filling out the Articles of Incorporation. The best way to access these instructions and forms is through the Secretary of State website. [[www.sos.state.tx.us](http://www.sos.state.tx.us)]. At this website, you can find Form 202, which will be the form that an organization needs for this application.

In order to find this form, you will need to click on the following sequence of links:

- Functions of the Office
- Organization and Nonprofit Associations
- Business Organization Forms
- Formation of Business Entities & Nonprofit Corporations
- Form 202

This website also contains answers to many questions that an organization has about registered agents, trade names, etc. Additional questions can be answered by calling: (512) 463-5555.

Please note: It is essential that you notice the suggested wording on the “IRS Recognition of Exemption under Section 501” when you write the articles of Incorporation. The IRS will determine that your articles do not meet their standards if your wording does not comply. You will be required to amend your articles with the state before you can complete the IRS process. This will mean a significant delay in the process.

### **IRS Recognition of Exemption for an Organization**

The IRS determines exemption from federal taxes. Always consult with the IRS prior to filing the articles of incorporation to determine what provisions should be included in the articles for the corporation to be exempt from federal taxes.

Call the IRS (800/829-3676) to request the following forms:

- Form SS-4 Application for Employer Identification Number (EIN)
- Form 1023 Application for Recognition under 501©(3) of the Internal Revenue Code
- Form 8718 User Fee for Exempt Organization determination Letter Request
- Publication 557 Tax Exempt Status for Your Organization (This describes the rules and procedures for nonprofit organizations requesting exemption.)

Organizations should file these forms within 15 months of incorporation. Form 1023 requires a filing fee averaging \$500. To file these forms, the organization must be able to provide description of exempt purpose and actual programs, who the organization is serving and why, where will the organization's funds originate, private vs. public support and a three year projected budget. Average processing of Form 1023 is 100 days. Processing for EIN number takes approximately 10 days. Banks require this number before an organizational account can be opened.

Questions concerning exempt status can be directed to:

IRS  
Exempt Organizations  
1100 Commerce  
**Dallas, Texas 75242**  
(214) 767-6023 [Customer Service]  
(214) 767-0040

Application to the IRS requires detailed work about the nonprofit, but it does not require a professional to fill out the forms. It is important to complete the necessary forms completely and to follow through on any questions or requests for additional information from the IRS. The IRS frequently will ask for additional information. Do not get discouraged. Follow through because if the IRS timeline is not met, the nonprofit will have to start all over, including resubmitting all fees.

“Advance Rulings” are given to new nonprofits that do not have a past financial track record to supply to the IRS. Before the “Advance Ruling” expires, the nonprofit will be required to apply for a federal tax exemption. This exemption will last until the nonprofit dissolves or changes its purpose and intent.

The IRS will ask to see the organization's by-laws. Bylaws are easy to amend and do not have to be perfect in order to file for 501(c)(3) status. The following items should be addressed in the By-laws:

- Membership – its composition, how/when membership meetings occur, what notice is required for meetings, and criteria/process for calling special meetings, and voting.
- Board of Directors – number, election process, meetings, and length of term (can not be more than 10 years).
- Fiscal Management – fiscal year, and committee/officer responsibility
- Amendments – how to amend bylaws.

### **State of Texas Exemption Certificate**

A nonprofit corporation may be exempt from the payment of state franchise taxes if its purposes fall within one of the exemptions listed in the Texas Tax Code, Chapter 171, Subchapter B.

The Comptroller's office will also determine whether the nonprofit qualifies for exemption from state and local sales taxes. The IRS ruling and a copy of the Certificate of Incorporation must

be submitted to the Comptroller's office. If the nonprofit qualifies, then an exemption certificate will be issued. This certificate can be used in lieu of the sales tax on taxable items if they relate to the purpose of the exempt organization and are not used for the personal benefit of a private stakeholder or individual. The certificate does not require a number to be valid and may be reproduced in any quantity.

Questions on exemption procedures should be addressed to:

Comptroller of Public Accounts  
Tax Assistance  
Exempt Organizations Section  
Austin, Texas 78774-0100  
(512) 463-4600  
(800) 252-1381  
TDD: (800) 248-4099 or (512) 463-4621

Other Considerations when forming a Nonprofit Organization:

- Recruiting Board Members – How will the organization's constituency be represented?
- Board Meetings – How often and how long will the board meet?
- Fundraising Plan- What amount of funds is needed and where will they come from? What is the role of board or staff in fundraising? How much will come from foundation and corporate support, government grants, membership dues, and earned income?
- Accounting System – How will funds be tracked and reported?
- Staffing – What are the organization's personnel policies and payroll procedures?
- Community awareness – What is the plan for publicity, brochures, mailing lists, and outreach?
- Evaluation – How will the results of the organization's work be assessed and reported?
- Insurance – Obtain business insurance. Your members want some protection from legal liability (e.g. personal injury at workplace and property damage.)
- Legal needs – Check to see if any other government agency regulates the activity of the organization (e.g. childcare, health care, food service, etc.)

# Putting the deal together: Leveraging in the Continuum of Care Planning Process

Ann V. Denton

**The Enterprise Foundation, Austin, TX**

Communities planning for a system of housing and services for people who are homeless cannot rely exclusively on HUD Continuum of Care resources to solve these problems. It is essential that communities examine the total universe of available resources and plan to make creative use of many sources of funds to address the problem of homelessness.

Communities should be encouraged to consider housing resources available through HUD's Consolidated Planning process. These resources include HOME, the Community Development Block Grant, the Emergency Shelter Grant and Housing Opportunities for People with AIDS.

Communities should be encouraged to consider local and state sources of funds for services and supports, including mental health services, substance abuse services, child care services, etc. These resources should be counted towards leveraging **ONLY IF** a written agreement documents the commitment of resources.

Communities should be encouraged to access private sources of funds: foundations, corporate donors, banks and others. These sources can often provide the funding for program components that are not eligible for assistance with public funds.

The following scenarios are offered as examples of ways in which communities might put together comprehensive plans for assisting people who are homeless.

Scenario #1: Transitional Housing using Continuum of Care (C of C) funds

Community has identified transitional housing as the number one priority and a large, multifamily property has been donated for the purpose. The property needs rehabilitation, and the transitional housing program itself requires operating funds and related supportive services. The total Year One cost of the project will be \$686,000, using funds as follows:

Activity	Source of Funds	Amount
Rehab property	HUD Supportive Housing (C of C)	\$200,000
Rehab property	HOME, Rental Project Assistance (City)	\$200,000
Operating expenses	HUD Supportive Housing (C of C)	\$136,000
Support Services	TCADA contract with local providers, committed treatment “slots”	\$50,000
Support Services	City funded interagency case management, two case managers dedicated to the project	\$50,000
Support Services	Child Care services, from Welfare to Work funds	\$50,000
Total Project Cost, Year One		\$686,000
Total SHP Request (C of C)		\$236,000
Total amount leveraged		\$450,000

Scenario 2: People with HIV – Exit from Homelessness

People who are homeless and also infected with HIV have been identified as a vulnerable sub-population in the community. A program is created that combines emergency shelter slots with on-site health care and pre-paid substance abuse slots. Also, the community identifies the need for 10 units of transitional housing, and 15 units of permanent housing for this group of homeless persons.

Activity	Source of Funds	Amount
Emergency Shelter	City Emergency Shelter Grant funds, 15 slots	44,000
Substance Abuse Treatment, 6 slots	City/county service funds	32,000
Transitional Housing	Support for 10 units of housing, C of C SHP funds	110,000
Permanent housing	15 slots of tenant based rental assistance from local HOME funds	140,000
Health Care Services	15 slots, Ryan White funds (federal)	52,000
Total Project Cost, Year One		\$378,000
Total SHP Request (C of C)		\$110,000
Total amount leveraged		\$268,000

Scenario 3: Exit from homelessness – Hard to serve homeless adults

The community has identified a core group of about 50 “hard to serve” homeless adults (Defined as individuals who use many, many services with little perceived benefit for the individual). The decision has been made to make a concerted effort to help these individuals in a concentrated fashion, using a combination of a low demand shelter, transitional housing, permanent housing, and case management.

Activity	Source of Funds	Amount
Low demand shelter	Emergency shelter grant funds for operations/maintenance(\$75,000). Shelter site and some operations funds from private donor (value of site = \$50,000)	\$125,000
Transitional housing, 16 units	Community Development Block Grant funds, match for acquisition	\$100,000
Transitional housing	Chase Bank, pre-development recoverable grant, construction loan	\$300,000
Transitional housing	SHP, Acquisition of property = \$100,000; Operations = \$120,000	220,000
Computer Tracking system	System and operating funds donated by Dell, Inc.	180,000
Permanent housing	30 slots of tenant based rental assistance from local HOME funds	280,000
Case management	Dedication of two case managers from existing faith based activity, plus operating funds	88,000
Total Project Cost, Year One		\$1,293,000
Total SHP Request (C of C)		\$ 220,000
Total amount leveraged		\$1,073,000

## **Sample Policies**

The policies included in this appendix have been submitted by nonprofit organizations as examples of policies that are presently in use . Permission is given to copy, edit and adapt these policies. Each policy is credited to the nonprofit organization that is sharing it.

## **Loss Control Policy**

SAMM recognizes that loss control is an essential ingredient in our ministry for humanitarian, economic, and legal reasons. It is also essential in providing efficient quality service to the community, in protecting the welfare of our employees and in more effectively using our scarce resources.

Management dedicates itself to providing the active leadership and support necessary to develop and maintain a successful loss control program with these objectives:

- a. Provide a safe and healthy work environment for all employees.
- b. Minimize the risk of human and economic losses resulting from unnecessary personal injury and property damage.
- c. Insure the security, protection and well being of SAMM personnel, property and vehicles.
- d. Maximize the quality of our service to the community through the efficient and competent handling of our resources.
- e. Comply with all existing safety and health laws that apply to the workplace.

The success of the loss control program requires the full, earnest cooperation of each employee. **SAMM considers loss control a vital part of every employee's job.**

### **General Procedures:**

- a. The Executive Director is responsible for implementing and evaluating all loss control and safety related matters, policies and procedures.
- b. SAMM shall require all individuals to complete an Application for Employment form (SAMM Form 65) and a Reference Request Waiver form (SAMM Form 66) prior to consideration. In considering the individual for a position, SAMM will obtain verification of applicable previous employment, personal references, driving record, etc.
- c. SAMM shall acquaint all employees of its policy regarding an alcohol and drug-free workplace. When employees acknowledge in writing on Receipt of Employee Handbook form (SAMM Form 67), they agree to abide by the terms of our alcohol and drug-free workplace policy. Such written acknowledgment shall become a part of each employee's permanent record file.
- d. SAMM shall inform all employees of its policy regarding loss control. When employees acknowledge in writing on Receipt of Employee Handbook form (SAMM Form 67), they agree to abide by the terms of our loss control policy. Such a written acknowledgement shall become a part of each employee's permanent record file.
- e. SAMM shall comply with all applicable laws and codes regarding fire protection including maintaining sprinkler, smoke and fire alarm systems. SAMM shall provide and maintain local area fire extinguishers, and keep all fire exits and lanes clear of obstruction at all time. SAMM, where applicable, shall require the safe storage of any chemicals or other potentially flammable items in designated areas.
- f. SAMM shall maintain appropriate (as determined by the Board of Directors) insurance coverage for the protection of its employees and assets.

- g. SAMM shall require employees to attend periodic safety meetings. Employees shall take an interactive role in such meetings.
- h. Supervisory personnel shall conduct meetings and give individual consultations to conform to this policy. Additionally, they shall have the latitude to establish loss control/safety requirements appropriate to specific functions under their supervision and to administer disciplinary measures to achieve compliance.

**Disciplinary Measures:** SAMM will subject employees who regularly fail to observe safety regulations, act negligently or who demonstrate a willful disregard for loss control/safety procedures to disciplinary action appropriate to the circumstances of the violation.

**General Safety Rules:**

- a. Employees will report any employee accident immediately or when it is feasible to do so to their supervisor that results in personal injury or damage to property, no matter how small. If they sustained injury, get first aid promptly. Employees will use Incident Investigation Report (SAMM Form 19) to promptly report any employee accident.
- b. Report immediately any condition or practice you think might cause injury to people or damage to equipment and/or facility.
- c. Do not operate any equipment which, in your opinion, is not in a safe condition.
- d. Use all prescribed safety and personal protective equipment when required, and maintain it in working condition.
- e. Obey all rules, government regulations, signs, markings, traffic signals, and instructions. Be particularly familiar with those that apply directly to you.

## Use of Physical Restraint

Under no circumstances are we ever to administer physical punishment to the guests/residents we serve. On rare occasions, however, we may find it necessary to physically restrain or remove a guest/resident from one of our facilities, programs or activities in order to prevent injury or the threat of injury to the guest/resident, to other guests/residents, to staff or to the public at large. Staff should accomplish this in the least restraining manner possible, given the specific circumstances of the situation and the disruptive individual.

Whenever possible, a staff members should talk the guest/resident out of his/her inappropriate actions. If, after repeated attempts, this fails, the employee should contact the appropriate professionals, e.g., mental health worker, police, etc. The third party should also attempt to talk the guest/resident out of the inappropriate behavior. If the third party fails and two staff members decide that they will need to physically restrain or remove the guest/resident, they should use the following guidelines:

- Enlist another staff member, if possible, to serve as a witness.
- Specifically ask the guest/resident to leave the premises.
- The two staff members should get on either side of the guest/resident and restrain or remove the individual, using the least amount of physical restraint or force. If time allows, they should seek the aid of a police officer, security guard or fire fighter.
- Staff members should not force any joints or apply a pressure point to an artery. The exception to this is the case of a violent guest/resident who could endanger the lives or safety of other guests/residents or staff.
- All involved staff members should submit an independent Resident Incident Report form (SAMM Form 8) through their supervisor within 24 hours who in turn will forward it immediately to the Executive Director.

# Code of Ethics

In order to nurture and safeguard the trust that exists between SAMM and the public we serve, we, the staff of SAMM, do hereby declare our professional commitment to:

**Accountability:** We recognize that public perception of the quality and efficiency of our work is essential. We accept responsibility for our decisions and actions, and the review of both. We openly provide as much relevant and accurate information to the public as it may reasonably need in order to make an intelligent assessment of our goals, activities, financial condition and fiscal responsibility. We avoid any undue influence and conflicts of interest and place SAMM's interest above our own personal gain.

**Confidentiality:** We are committed to a high standard of excellence. We are dedicated to the mission of SAMM and to the pursuit of quality in our work. We maintain the highest standards of integrity, balance, fairness and values in our programs, within the legal and constitutional framework of our responsibility.

**Honesty:** We are scrupulously honest in all our dealings. Exhaustive efforts are made to avoid stretching the truth or misleading the public, both in public and in private, in writing or orally. We maintain the highest standards of personal and professional conduct.

**Teamwork:** We are committed to working together as a team with genuine concern and respect for one another. We are committed to help team members accomplish their goals and to help one another professionally and personally succeed and grow.

**Trust:** We earn trust every day by fulfilling commitments and abiding by the spirit as well as the letter of agreements and understandings. We deliver what we promise.

We welcome as members of our team other professionals who accept these same standards and commitments.

# **Prevention of Fraud and Abuse**

SAMM may not discriminate against any employee or other person who reports a violation of the terms of any agreement between any local, state or federal government and SAMM in good faith to an appropriate law enforcement authority.

## **Employee Assistance Program**

SAMM recognizes that a variety of personal problems or situations may interfere with the ability of the individual employee to perform satisfactorily while on the job. In responding constructively to these problems, it is SAMM's intention to restore the job effectiveness of the employee and to make it possible for the individual to get the help he or she needs.

Procedures:

- SAMM supports referral and rehabilitation efforts extended to employees affected by personal problems or situations. No employee's job security or promotional opportunity will be put in jeopardy by his or her seeking and conscientiously following a program of treatment.
- Supervisory personnel are expected to recognize difficulties based strictly on unsatisfactory job performance resulting from apparent behavior or personal problems.
- SAMM will make available the name, address and phone number of outside agencies that offer or make referrals for treatment. Employees who suspect they have a problem are urged to take advantage of the Employee Assistance Program and voluntarily follow through with any prescribed treatment.
- When the behavior of an employee undergoing treatment results in poor job performance, it will be handled in the same manner as any other substandard performance.
- Reporting to work under the influence of drugs or alcohol, or possession of drugs or alcohol on SAMM's property will result in immediate dismissal.
- Voluntary acceptance of a treatment program will not be a valid reason for continued poor job performance. It will not result in any special regulation, privileges, or exemptions regarding job performance requirements.

# Incentive Award Program

**Purpose:** To provide supervisors of exempt and nonexempt employees working for SAMM and SHC a method of rewarding employees for excellent sustained and project-specific performance. This program is not designed to replace cost-of-living salary increases, salary increases based on tenure and experience, or increases designed to allow SAMM to be competitive with other nonprofits; rather, it is designed to be used as a tool by supervisors to accomplish special projects, to motivate and retain committed employees, and to reward employee initiative in improving safety, efficiency, and accomplishment or expansion of SAMM's mission.

**Program Description:** The program is designed to provide three levels of awards to honor/motivate employees.

**Level I** rewards good suggestions which have resulted in minor improvements, special acts of good judgement and service (handling a crisis, special service to a guest, participation in a short-term project outside the job scope.) Examples of Level I awards are safety improvements, suggestions for new forms or procedural changes. This category could also be used by managers to reward successful change of work habits or skill development (e.g., an employee who successfully masters new job-related computer skills, or one whose attitude toward guests/residents improves).

**Level II** rewards superior sustained initiative within job scope, in order to motivate reliable and committed employees. Level II can also serve to reward employees who take leadership roles or commit extra time to special projects outside regular job duties.

**Level III** rewards employee initiative and extraordinary performance of job duties. Planning of special projects, program expansion, and effort to acquire relevant skills at employee's time and expense are examples of Level III awards.

Any SAMM employee or member of the Board of Directors can nominate an employee for an award. Volunteers and guests/residents interested in honoring an employee should complete Incentive Award form (SAMM Form 69) to inform the employee's supervisor of the employee's performance. It is the supervisor's job to decide if the employee's actions merit a recommendation for an incentive award.

SAMM senior staff members are authorized to approve Level I & II awards for the employees they supervise; award letters should be copied to the Financial Officer for inclusion in personnel files and to the Executive Director. Level III awards must be approved by the Executive Director.

### **Description of Award Levels:**

- |   |   |
|---|---|
| I. \$10 - \$50<br>OR<br>1 admin day         | Good suggestion, individual acts of good judgment or heroism; special effort on behalf of a project outside an employee's job description.  |
| II. \$51 - \$200<br>OR<br>2 – 3 admin day   | Superior sustained performance, significant effort on a specific project outside an employee's job description.<br>( \$10 - \$100 – Senior staff can approve)<br>(Over \$100 – Senior staff recommend, Exec. Dir. approves)   |
| III. \$201 - \$500<br>OR<br>4 – 5 admin day | Unusually dedicated performance of job duties and accomplishment of innovation within job scope; planning and execution of special project outside an employee's job description; extraordinary effort to acquire skills and education of direct benefit to SAMM's mission at employee's expense. |

Administrative Details: A line item for incentive awards should be included in the annual budget. Managers who wish to approve incentive awards for Level I and Level II for their employees should complete SAMM Form 69 to submit to the employee's file and request a check from the Finance Officer. Managers may expend only their budgeted amount, which is allotted based on number of employees at that site. Nominations for Level III awards should be submitted to the Executive Director who may award those at his/her discretion. Admin days should be noted in employee's personnel file to be requested by employee using the same approval process as a request for other leave. Admin days do not have a cash value and cannot be converted to dollars under any circumstances. When supervisors notify an employee of an award, the supervisor may negotiate with the employee a combination of cash and admin days.

# Disciplinary Philosophy

SAMM actively strives to assure that the work environment remains safe, pleasant and harmonious for all employees. Anywhere we go, we must observe rules of conduct that are designed to protect the rights and interests of everyone. Certain rules and regulations are necessary to help ensure orderly conduct within our ministry.

SAMM established an *Employee Code of Conduct* that outlines a partial listing of personal behavior actions that are not in the best interest of fellow employees or SAMM. Violation of these rules could result in disciplinary action, up to and including termination.

The Executive Director<sup>5</sup> reserves the right to review each disciplinary case on an individual basis and may, at his or her sole discretion, proceed to a higher offense level. He/she has the right to ignore the process altogether when necessary.

**Disciplinary Procedures:** SAMM has a progressive disciplinary system as follows:

**Level I Offenses:**

Step One:	Oral Warning
Step Two:	Written Warning
Step Three:	Discharge

**Level II Offenses:**

Step One:	Written Warning
Step Two:	Discharge

**Level III Offenses:**

Action:	Discharge
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The Executive Director may, in his or her sole discretion, suspend an employee from work, with or without pay, for any length of time, for any level of offense. SAMM's Senior Staff will determine the appropriate disciplinary action on a case-by-case basis. Consequently, the assessment of discipline in one case shall not serve as precedent for the assessment of discipline in another case.

**Level I Offenses:** The following list is not all-inclusive of Level I offenses for which Senior Staff may issue an Oral Warning for the First Offense, a Written Warning for the Second Offense and recommend Discharge for the Third Offense:

- Excessive absence from work.
- Failure to call in each day it is necessary to be absent.
- Frequently reporting to work late or leaving early.
- Deliberately creating or contributing to unsanitary or dirty conditions on SAMM property.
- Smoking in other than designated smoking areas.
- Overstaying lunch periods.

**Level II Offenses:** These are more serious offenses. If the employee commits more than one Level II offense, the employee is subject to immediate discharge. The following list is not all-inclusive of Level II offenses for which Senior Staff may issue a Written Warning for the First Offense and recommend Discharge for the Second Offense:

- Leaving your assigned work location without your supervisor's permission.
- Doing work of a personal nature, loitering, reading, computer games (other than in connection with employee's job), visiting other departments without authorization, or other deliberate waste of time during working hours.
- Engaging in horseplay, distracting attention of others or creating a disturbance.
- Use of obscene language and/or spreading malicious gossip and/or rumors; making derogatory statements concerning employees, guests/residents or SAMM.
- Violation of safety rules or SAMM's Safety Policy.
- Performance of substandard work relative to quality and content.

**Level III Offenses:** These offenses generally lead to the employee's immediate discharge from SAMM for the first offense. The following list is not all-inclusive of Level III offenses:

- Dishonesty and/or falsifying records.
- Theft of SAMM property or the property of a SAMM employee guest/resident.
- Reporting to work while under the influence or in the possession of illegal drugs or intoxicating beverages on SAMM property.
- The deliberate destruction, damage, abuse, removal or attempted removal of SAMM property or the property of fellow workers or guest/residents.
- Sleeping on the job during work hours or walking off the job without permission.
- Physical violence, fighting, or creating a disturbance on SAMM property.
- Possession of any dangerous weapon (as defined by law) on SAMM property.
- Immoral or indecent conduct.
- Insubordination, including refusal to perform work assigned and/or assaulting or threatening to assault a supervisor.
- Threatening, intimidating, coercing, harassing, or abusing fellow employees, or any attempt to disturb, interfere, or slow the work of fellow employees or yourself.
- Convictions in courts of law that regarded the employees as an undesirable.
- Failure to properly notify your supervisor within two (2) calendar days concerning absence from work.

## **Disciplinary Probation**

Senior Staff (with the approval of the Executive Director) may place an employee on disciplinary probation to allow the employee to show improvement on the problem(s) specified at the time of probation. The disciplinary probation period begins when the supervisor provides the employee with a written document (signed by the employee and the supervisor) which:

- Identifies the problem (s)
- Indicates the necessary improvement
- Specifies length of probation period
- Informs the employee that further disciplinary action could result from failure to show satisfactory improvement within the specified probation period

### **Suspension**

The Executive Director may suspend an employee for disciplinary reasons without pay. An employee who is suspended will be given written notice of the reasons for the action, and a copy will be made a part of the employee's personnel record.

The Executive Director can suspend employees for incidents that merit termination, if the employee's participation is suspected, but unclear. Under these circumstances, the Executive Director can suspend the employee with pay while SAMM conducts an investigation.

**Return from Suspension:** Supervisors will meet formally with suspended employees upon their return to work, and define clearly and specifically the improvements in job-related behaviors required as a condition of the employee's continued employment. The supervisor will document this meeting and forward it to the Executive Director. SAMM will also add a copy of the suspension records to the employee's personnel file.

# **Bibliography**

Brinckerhoff, Peter C. *Mission-Based Management: Leading your Not-For-Profit into the 21<sup>st</sup> Century*, New York: John Wiley & Sons, Inc., 1994.

Texas Department of Human Services, *Family Violence Program: Provider Manual*, 1995.