

Bylaws
State Human Rights Committee
Approved January 26, 2005
Revised June 11, 2010
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1. NAME

The name of this organization shall be the State Human Rights Committee (hereinafter “SHRC”).

2. POLICY

The policy of the SHRC is to help ensure the protection of the rights of all individuals receiving services from public or private providers of services in programs operated, licensed, or funded by the Department of Behavioral Health and Developmental Services (hereinafter “department”) and to help ensure that the services are provided in a manner compatible with basic human dignity, sound therapeutic practice, and under the least restrictive conditions consistent with the person’s needs and available services. Its work shall be conducted in accordance with the *Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Behavioral Health and Developmental Services*, 12VAC35-115-10 et. seq (hereinafter “Human Rights Regulations”).

3. DUTIES AND RESPONSIBILITIES

The SHRC shall have the following duties and responsibilities:

- 3.1 Perform the following responsibilities with respect to the operation of local human rights committees (hereinafter “LHRC”):
 - a. Appoint LHRC members with the advice of the respective LHRC, human rights advocate, and the state human rights director;
 - b. Review and approve the bylaws of LHRCs, including development of model LHRC bylaws; and
 - c. Provide oversight to and assist LHRCs in the performance of their duties under the Human Rights Regulations, including the development of guidance documents;
- 3.2 Review LHRC decisions when required by the Human Rights Regulations and, if appropriate, hold hearings and make recommendations to the commissioner, the Board of Behavioral Health and Developmental Services (hereinafter “board”), and providers' governing bodies regarding alleged violations of individuals' rights

according to the procedures specified in the Human Rights Regulations;

- 3.3. Notify the commissioner and the state human rights director whenever it determines that its recommendations in a particular case are of general interest and applicability to providers, human rights advocates, or LHRCs and ensure that:
 - a. Its recommendations are communicated to providers, human rights advocates, and LHRCs as appropriate; and
 - b. The communication of its recommendations does not identify the name of individuals or employees in a particular case;
- 3.4. Grant or deny variances according to the procedures specified in Part VI (12VAC35-115-220) of the Human Rights Regulations and review approved variances at least once every year;
- 3.5. Submit to the board and publish an annual report of its activities and the status of human rights in services licensed, funded, or operated by the department and make recommendations for improvement;
- 3.6. Evaluate the implementation of the Human Rights Regulations and make necessary and appropriate recommendations to the board, the commissioner, and the state human rights director concerning its interpretation and enforcement;
- 3.7. Review and make recommendations to the department and board, as appropriate, concerning:
 - a. The scope and content of training programs designed by the department to promote responsible performance of the duties assigned under the Human Rights Regulations;
 - b. Existing or proposed policies, procedures, or practices that could jeopardize the rights of individuals receiving services from any provider;
 - c. Proposed revisions to the Human Rights Regulations; and
 - d. Revisions to existing or proposed laws, regulations, policies, procedures, and practices that are needed to ensure the protection of individuals' rights;
- 3.8. Consist of nine members appointed by the board.
 - a. Members shall be broadly representative of professional and consumer interests as required in § 37.2-204 of the Code of Virginia;
 - b. Members shall recuse themselves from all cases in which they have a financial or other conflict of interest, including a direct, personal involvement, financial, family, employment, or other conflict of interest;
 - c. If there is a vacancy, interim appointments may be made by the board for the remainder of the unexpired term;
 - d. A person may be appointed for no more than two consecutive three-year terms. A person appointed to fill a vacancy may serve out that term and then be eligible for two additional consecutive terms; and

e. No current employee of the department, a CSB, or a behavioral health authority may serve as a member of the SHRC;

- 3.9. Elect a chairperson from its own members who shall:
 - a. Coordinate the activities of the SHRC;
 - b. Preside at regular meetings, hearings, and appeals; and
 - c. Have direct access to the commissioner and the board in carrying out these duties;
- 3.10. Conduct at least eight regular meetings per year; and
- 3.11. Adopt written bylaws that address procedures for conducting business; making membership recommendations to the board; electing a chairperson, vice chairperson, secretary, and other officers; appointing members of LHRCs; designating standing committees and their responsibilities; establishing ad hoc committees; and setting the frequency of meetings.
- 3.12. Review and amend as appropriate the bylaws of the SHRC every two years, at a minimum.
- 3.13. Rescind the appointment of LHRC members for good cause, which may include:
 - a. Failure to protect human rights of individuals as provided for in the Human Rights Regulations;
 - b. Failure to recuse oneself from decisions, deliberations, or other LHRC activities that constitute a financial, familial, professional, or other conflict of interest;
 - c. Failure to protect the privacy of or maintain the confidentiality of information in accordance with applicable laws and policies;
 - d. Failure to attend and participate in regular and special meetings of the LHRC.
- 3.14. Perform any other duties required under the Regulations.

4. MEMBERSHIP

- 4.1 Applicants for membership to the SHRC shall attend an interview in person as a demonstration of the applicant's ability to travel and attend SHRC meetings.

- 4.2 Composition:

The SHRC shall consist of nine members appointed by the board, who are broadly representative of professional and consumer groups and of geographical areas in the Commonwealth. No current employee of the department, a community services board, or a behavioral health authority shall serve as a member of the SHRC. At least two members shall be individuals who are receiving, or have received within five years of their initial appointment, public or private mental health, developmental, or substance abuse treatment or habilitation services. At

least one-third of the members shall be consumers or family member of consumers. Remaining appointments shall include lawyers and persons with interest, knowledge, or training in the mental health, developmental, or substance abuse services field.

The SHRC shall make recommendations to the board concerning persons qualified for appointment to the SHRC. A subcommittee of no fewer than three members appointed by the chairperson will submit to the board in the May meeting of each year recommendations for SHRC appointments.

4.3 Terms of Office:

A person may be appointed for no more than two consecutive three-year terms. A person appointed to fill a vacancy may serve out that term and then be eligible for two additional consecutive terms.

4.4 Removal of Members:

- a. Members shall attend all regular and special meetings of the SHRC. A member who misses three or more regularly scheduled meetings within a 12-month period shall be subject to a recommendation for removal by a majority vote of the SHRC. On any motion to remove a member, that member shall not have a vote. Such recommendation shall be forwarded to the board for action.
- b. The SHRC may also recommend to the board that a member be removed for violation of policies of the SHRC or of relevant state or federal laws.

5. OFFICERS:

- 5.1 The officers shall consist of a chairperson, a vice-chairperson, and other officers as needed, including a secretary, who shall be elected by a majority vote of members of the SHRC at its June meeting for the next term. New officers shall assume their duties on July 1 of each year and their terms shall expire the following June 30. The terms of the chairperson and vice-chairperson shall be for one year. Each officer may be re-elected to that office but may serve no more than two consecutive one-year terms.
- 5.2 The chairperson shall appoint a nominating committee of not fewer than three members of the SHRC who shall recommend a candidate or candidates for each office. In addition, any member of the SHRC may be nominated for office from the floor.
- 5.3 In the event of a vacancy occurring in the office of the chairperson, the vice-chairperson shall temporarily assume the office of chairperson. In the event of a vacancy in the office of chairperson or vice-chairperson, the current chairperson or acting chairperson, as the case may be, shall appoint a nominating committee who

shall recommend a person or persons for election to the vacant office. Such a vacancy shall be filled for the remaining portion of the term.

5.4 Duties of Chairperson:

- a. The chairperson shall coordinate the activities of the SHRC; schedule regular and special meetings of the SHRC; and preside at such meetings and hearings. He/she shall appoint members of the subcommittees and task forces of the SHRC, including a nominating committee and a committee to recommend members of the SHRCs. He/she shall also sign off on policy statements, opinions, and other policy documents of the SHRC.
- b. The chairperson shall have direct access to the Commissioner and to the State Board.

5.5 Duties of Vice-Chairperson:

In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. In the event the chairperson resigns before the end of the term, the vice-chairperson shall act as interim chairperson until a new chairperson has been elected. **The Vice Chairperson shall serve as the FOIA Officer for the SHRC in collaboration with the State Human Rights Director.**

5.6 Duties of Secretary (optional):

The secretary shall perform duties as delegated by the chairperson. In the absence of the chairperson and vice-chairperson, the secretary shall perform the duties of the chairperson.

6. MEETINGS:

- 6.1 The SHRC shall hold at least eight regular meetings per year on a date to be determined in advance of each meeting. A ninth “floater meeting” will also be scheduled as a planned alternative in the event a meeting is cancelled due to inclement weather or other circumstances.
- 6.2 All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq.
- 6.3 All meetings shall be open to the public except for those matters for which a closed meeting may be conducted in accordance with the Virginia the Freedom of Information Act, § 2.2-3700 et seq.
- 6.4 Participation of members in meetings through electronic means, including the holding of an all-virtual meeting, shall be governed by the provisions of the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq., and the DBHDS Office of Human Rights Freedom of Information Act Public Meeting

Requirements Policy adopted by the SHRC.

- 6.5 The privacy of information regarding individuals shall be respected and protected during meetings.
- 6.6 A quorum for conducting business shall consist of a simple majority of appointed members of the SHRC.
- 6.7 In deciding appeals of alleged violations of the Human Rights Regulations, the decision shall be made through vote of a majority of the total appointed membership of the SHRC. If the absence of one or more members prevents disposition of the case, a meeting of the full membership shall be scheduled as soon as possible.
- 6.8 The chairperson will have a vote at all times, unless recused for a conflict of interest.
- 6.9 Proxy voting shall not be permitted.
- 6.10 Individuals interested in placing an item on the SHRC's agenda shall advise the chairperson or the State Human Rights Director two weeks in advance of the scheduled meeting. The agenda shall be sent to all members of the SHRC and to other interested persons in advance of the meeting.

7. COMMITTEES

- 7.1 The chairperson of the SHRC may establish subcommittees and establish ad hoc and standing committees of the SHRC as he/she considers necessary to carry out its objectives and is consistent with these bylaws. The purpose and responsibilities of such committees shall be determined prior to their creation. Any member of the SHRC may recommend to the chairperson the establishment of a committee.
- 7.2 Except as set forth below, all subcommittees may be composed of members of the SHRC and other persons selected by the chairperson who are not members of the SHRC.
- 7.3 The entire SHRC may conduct a fact-finding proceeding on an appeal from a decision of an LHRC, or the chairperson of the SHRC may select a committee of not less than three members of the SHRC to conduct such a fact-finding proceeding and to report its findings of fact, conclusions, opinion, and recommendations to the full SHRC for action.
- 7.4 The chairperson of the SHRC shall annually select a nominating committee of not fewer than three persons who are members of the SHRC in accordance with paragraph 5.2.

8. REPORTS and RECORDS:

- 8.1 The SHRC shall notify the Commissioner and the State Human Rights Director whenever it determines that its recommendations in a particular case are of general interest and applicability to providers, human rights advocates, or LHRCs and ensure that its recommendations are communicated to providers, human rights advocates, and LHRCs as appropriate. Documents made available shall not identify the name of the individual(s) or employee(s) involved in a particular case.
- 8.2 The minutes of open portions of regular and special meetings of the SHRC shall be made available to the Commissioner and to others having an interest in such proceedings and to the general public in accordance with the Virginia Freedom of Information Act, Virginia Code § 2.2-3700 et seq.
- 8.3 The SHRC shall submit to the board and publish an annual report of the status of human rights in services licensed, funded, or operated by the department and make recommendations for improvement.
- 8.4 SHRC members will return all meeting documents containing confidential information to the Office of Human Rights at the close of each meeting for shredding. Members shall personally maintain only those documents with non-confidential information such as agendas, minutes, bylaws, and general information. If a member receives meeting documents but does not attend the corresponding meeting, the member will return the documents to the Office of Human Rights at the next scheduled meeting.
- 8.5 The Office of Human Rights shall ensure that the shredding of the documents is carried out in a manner that protects confidentiality.
- 8.6 The Office of Human Rights will maintain one complete agenda packet for each meeting of the SHRC in accordance with the Library of Virginia record retention policies.

9. BYLAWS

- 9.1 Amendments to these bylaws may be proposed by any member of the SHRC at any regular meeting or at any special meeting called for that purpose. The proposed amendments shall be adopted upon approval by at least two-thirds of the total members of the SHRC.
- 9.2 In the event any conflict exists between these bylaws and the Virginia Code or applicable regulations of the board, the Code and the regulations shall control.