
Local Human Rights Committee (LHRC) Fact-Finding Review

Frequently Asked Questions (FAQ)

Who can attend?

- Director or Designee (required)
 - This is the person designated by the provider to present information and answer questions on behalf of the provider/facility.
- You or your Authorized Representative (required)
 - You are permitted by the Human Rights Regulations (HRR) to present information and answer questions during a Fact-Finding Review about a complaint that involves you. The Office of Human Rights encourages you to present information and answer questions on your own behalf.
 - You have the right and are *encouraged* to present on your own behalf during the Fact-Finding Review.
 - You can attend in-person (as long as the meeting is being held in person), virtually, or via telephone.
 - You may pre-record your statement (we will need it in advance to check technical compatibility), or you may choose to read a prepared statement which you can also provide to the LHRC via the Human Rights Advocate.
 - The Authorized Representative (AR) is the person permitted by the Human Rights Regulations, and with your agreement, to present information and answer questions on your behalf. Your AR can also request Fact-Finding Reviews (and may have requested this review on your behalf).
- Your chosen representative (if applicable)
 - Your chosen representative can be any person you choose to help you present information.
 - If you choose a representative, the committee may still have questions that only *you* will have the experience and information to answer.

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- Witnesses for both parties (if applicable)
 - Witnesses are people who can present information on your behalf during your presentation. Witnesses may be asked questions by the Local Human Rights Committee (LHRC).
- Any support person you choose
 - A support person may be present at the Fact-Finding Review to provide you with moral or physical support.
 - A support person may also be a witness, but a support person does *not* present information or answer questions for the LHRC.
- The Office of Human Rights (required)
 - A Human Rights Advocate will be assigned to provide technical assistance to you before and during the Fact-Finding Review process.
 - The Human Rights Advocate may assist you in presenting your Statement of Disagreement, including answering *factual questions* relating to your complaint.
 - The Human Rights Advocate cannot answer non-factual questions, and cannot speak for you regarding how you felt or what happened when the Human Rights Advocate was not present.
 - Remember, this is *your* opportunity to speak directly to the LHRC regarding *your* disagreement.
 - The Office of Human Rights has discretion to provide support above and beyond what is explained here and outlined in the HRR
 - A different Human Rights Advocate will be assigned to provide technical assistance to the LHRC.

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- A Human Rights Manager or other supervisor may be present to supervise the process overall and/or to fulfill other duties necessary during the course of the Fact-Finding Review.

What should I bring?

- Your copy of the Statement of Disagreement and Supporting Documents (SD)

What should I NOT bring?

- Evidence, including documents and testimony that are not related to the complaint identified in your Statement of Disagreement.
- If attending in person, there may be limits on what is permitted depending on the location where the Fact-Finding-Review is located. For example, some locations do not allow food or drink, some locations require you to pass through a metal detector, etc. If you have questions about what to expect in the location of your Fact-Finding Review, you can ask your assigned Human Rights Advocate.

How long is the Fact-Finding Review?

- Each Fact-Finding Review lasts for about one hour.
- This timeframe includes presentation of facts from each party, questions from the LHRC and summary statements from each party.
- The LHRC will determine the length of time for presentation of facts and summary statements after reviewing the Statement of Disagreement. You will be notified by the Advocate assigned to you prior to the Fact-Finding Review so that you may prepare accordingly.

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Is this a legal process?

- **No.** The Fact-Finding Review is an informal administrative review of the complaint. The Human Rights Regulations require that it be conducted in a **non-adversarial manner**. Questions are always directed through the LHRC and not to the other party.

What happens after the Fact-Finding Review?

- Within 10 business days after the Fact-Finding Review ends, the LHRC will give its written Findings and Recommendations to the parties and their representatives. Whenever appropriate, the LHRC will identify information that it believes the provider should take into account in making decisions concerning corrective action.
- Within 5 business days of receiving the LHRC's Findings and Recommendations, the director is required to give you a written action plan that they plan to implement in order to address the LHRC's Findings and Recommendations. Along with the action plan, the director is required to provide written notice to you about the timeframe for your response including a statement that if you do not respond, then the complaint will be closed. The action plan will not be implemented for 5 working days after it is submitted, unless you agree to its implementation sooner. This time is built into the process for you to review the action plan.
- You, your chosen representative, the human rights advocate, or the LHRC may object to the action plan within 5 working days by explaining the objection and what the director can do to resolve the objection. If an objection is made, the director may not implement the action plan until the objection is resolved. If the objection is to a portion of the action plan, the provider may implement the portion of the action plan that has been agreed to. If no one objects to the action plan, the director is

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required to begin implementing the action plan on the sixth working day after the action plan was submitted, or as otherwise outlined in the agreed upon action plan.

- If an objection to the action plan is made and the director does not resolve the objection to the action plan to your satisfaction within 2 working days following receipt of the objection by the director, you may submit a Request for Final Determination from the State Human Rights Committee (see 12VAC35-115-210).

Is the Fact-Finding Review recorded?

- The Office of Human Rights does not record Fact-Finding Reviews.
- Either party may record the Fact-Finding Review. Parties are requested to announce recording prior to the start of the review.
- The LHRC Findings and Recommendations serve as the official record of the Fact-Finding Review.