

By-Laws
State Human Rights Committee
Approved January 26, 2005
Revised June 11, 2010

1. NAME

The name of this organization shall be the State Human Rights Committee (hereinafter referred to as the SHRC).

2. POLICY

The policy of the SHRC is to assure 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 referred to as the department) and to assure that the services are provided in a manner compatible with basic human dignity and under the least restrictive conditions consistent with the person's needs and available services.

3. DUTIES AND RESPONSIBILITIES

- 3.1 Upon request of the Commissioner of the Virginia Behavioral Health and Developmental Services (hereinafter referred to as the commissioner), human rights advocate, provider, director, an individual or individuals receiving services, or on its own initiative, the SHRC may review any existing or proposed policies, procedures, or practices that could jeopardize the rights of one or more individuals receiving services from any provider. In conducting this review, the SHRC may consult with any human rights advocate, employee of the director, or anyone else. After this review, the SHRC shall make recommendations to the director or commissioner concerning changes in these policies, procedures, and practices.
- 3.2 Determine the appropriate number and geographical boundaries of Local Human Rights Committees (hereinafter referred to as LHRCs) and consolidate LHRCs serving only one provider into regional LHRCs whenever consolidation would assure greater protection of rights under 12 VAC 35-115, *Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers of Mental Health, Mental Retardation, and Substance Abuse Services* (hereinafter referred to as the Regulations).
- 3.3 Appoint members of LHRCs with the advice of and consultation with the commissioner and the State Human Rights Director.
- 3.4 Advise and consult with the commissioner in the employment of the State Human Rights Director and human rights advocates.

- 3.5 Conduct at least eight regular meetings per year.
- 3.6 Review decisions of LHRCs and, if appropriate, hold hearings and make recommendations to the commissioner, Behavioral Health and Developmental Services Board (hereinafter referred to as the board), and providers' governing bodies regarding alleged violations of individuals' rights according to the procedures specified in the Regulations.
- 3.7 Provide oversight and assistance to LHRCs in the performance of their duties in accordance with the Regulations.
- 3.8 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 assure the availability of the opinion or report to providers, human rights advocates, and LHRCs as appropriate. No document made available shall identify the name of individuals or employees in a particular case.
- 3.9 Grant or deny variances according to the procedures specified in Part V, 12 VAC 35-115-220, of the Regulations, and review approved variances at least once every year.
- 3.10 Make recommendations to the board concerning proposed revisions to the Regulations.
- 3.11 Make recommendations to the commissioner concerning revisions to any existing or proposed laws, regulations, policies, procedures, and practices to ensure the protection of individuals' rights.
- 3.12 Review the scope and content of training programs designed by the department to promote responsible performance of the duties assigned under the Regulations by providers, employees, human rights advocates, and LHRC members, and, where appropriate, make recommendations to the commissioner.
- 3.13 Evaluate the implementation of the Regulations and make any necessary and appropriate recommendations to the board, the commissioner, and the State Human Rights Director concerning interpretation and enforcement of the regulations.
- 3.14 Submit a report on its activities to the board each year.
- 3.15 Adopt written bylaws that address procedures for conducting business; making membership recommendations to the board; electing a chair, vice chair, secretary and other officers; appointing, removing or suspending members of LHRCs; designating standing committees and their responsibilities; establishing ad hoc committees; and setting the frequency of meetings.

- 3.16 Review and approve the bylaws of LHRCs.
- 3.17 Publish an annual report of the status of human rights in the mental health, mental retardation, and substance abuse treatment and services in Virginia and make recommendations for improvement.
- 3.18 Require members to recuse themselves from all cases where they have a direct, personal involvement, financial, family, employment or other conflict of interest.
- 3.19 Rescind the appointment, remove or suspend LHRC members for the following reasons, which include, but may not be limited to:
 - 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 which constitute a financial, familial, professional or other conflict of interests
 - c. Failure to protect the privacy, maintain confidentiality or information, or obtain consent for release of information from individuals receiving services from providers of mental health, metal retardation and substance abuse services as defined by 12 VAC 35-115-30
 - d. Release of personal and service information to third parties without the consent of the subject of said information or authorized representative.
- 3.20 Perform any other duties required under the Regulations.

4. MEMBERSHIP

4.1 Composition:

The SHRC shall consist of nine members appointed by the State Behavioral Health and Developmental Services Board, (hereinafter referred to as the State Board), who are broadly representative of professional and consumer groups and of geographic areas in the Commonwealth. No individual shall be eligible for appointment to the SHRC who is an employee or Board member of the Department of Behavioral Health and Developmental Services, or of a Community Services Board. 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, mental retardation or substance abuse treatment or habilitation services. At least one-third of the members shall be consumers or family member of consumers.

4.2 Terms of Office:

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

4.3 The SHRC shall make recommendations to the State 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 State Board by early May of each year recommendations for SHRC appointments.

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 State Board for action.
- b. The SHRC may also recommend to the State Board that a member be removed for violation of policies of the SHRC, or of the governing regulations or state 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 on June 30. The terms of the chairperson and vice-chairperson shall be for one year. Each officer may be re-elected to that office.

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. Any member of the SHRC may be nominated for office from the floor.

5.3 In the event of 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 regular meetings, hearings and appeals. He/she shall appoint the chairperson and members of the subcommittees and task forces of the SHRC, including a nominating committee and a committee to appoint members of the LHRCs. He/she shall also issue 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 such office. 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.

5.6 Duties of Secretary (optional):

The Secretary shall perform duties as delegated by the Chairperson of the State Human Rights Committee. 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.
- 6.2 All meetings shall be conducted in accordance with Section 2.2-3707 Code of Virginia Freedom of Information Act.
- 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 Section 2.2-3711, Code of Virginia the Freedom of Information Act.
- 6.4 The privacy of information regarding individuals shall be respected and protected during meetings.
- 6.5 A quorum for conducting business shall consist of a simple majority of appointed members of the SHRC.
- 6.6 In deciding appeals of alleged violations of regulations, the decision shall be made by 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.
- 6.7 The chair will have a vote at all times.
- 6.8 Proxy voting shall not be permitted.
- 6.9 Individuals interested in placing an item on the 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.

- 6.10 SHRC members are required to recuse themselves from all cases where they have a financial, family or other conflict of interest.

7. COMMITTEES

- 7.1 The chairperson of the SHRC may appoint 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 its by-laws. 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 subcommittee or task force.
- 7.2 Except as set forth below, all subcommittees and task forces 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 the 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 conference 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.
- 7.5 The chairperson may appoint a subcommittee of not fewer than three to select members of the LHRC and other local human rights committees. All the members of such subcommittee shall be members of the SHRC.

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 assure the availability of the opinion or report 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.
- 8.3 The SHRC shall publish an annual report of the status of human rights in mental health, mental retardation and substance abuse treatment and services in Virginia

and make recommendations for improvement. The report shall be sent to the members of the State Board, the Commissioner, and individuals having a direct interest in the matters covered by the report. It shall also be available to the general public.

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.

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 policy.

9. AMENDMENTS

- 9.1 Amendments to these by-laws 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.
10. In the event any conflict exists between these by-laws and the Virginia Code or applicable regulations of the State Board, the Code and the Regulations shall prevail.
11. Upon recommendation of adoption by the SHRC, the proposed by-laws and any amendments to such by-laws shall be submitted to the State Board for approval. The by-laws and amendments shall go into effect immediately upon approval by the State Board.