

FAQ's

Who can attend?

- The director or his designee shall attend the hearing.
- The individual or his authorized representative (AR) making the complaint shall attend the hearing.
- If the individual/AR has identified another representative to assist them in filing the petition, this person(s) may also attend the hearing.
- The parties and chosen representatives and designees have the right to present witnesses and other evidence and the opportunity to be heard.

What should I bring?

- Your copy of the petition
- Your response with exhibits
- A copy of the CHRIS report
- Witnesses (as applicable)
- Snacks and drinks are permitted

What should I NOT bring?

- Evidence, including documents and testimony that are not related to the complaint identified in the petition.

How long is the hearing?

- In general, each party is given 5 minutes for an opening statement, 10-20 minutes for presentation of facts and witness testimony, and another 5 minutes for closing statements. You will be notified of your specific time frames once the LHRC has reviewed the petition.
- The LHRC can ask questions of each party which is not included in this time.

Is this a legal process?

- **No.** The hearing is administrative and is the Human Rights Regulations require that it be conducted in a **non-adversarial manner**. Questions are always directed through the LHRC, rather than cross examination of the other party. Because the hearing is an informal process, the rules of evidence do not apply.

Is the hearing recorded?

- No. The hearing is not recorded by the Office of Human Rights. The LHRC Findings and Recommendations act as the record of the hearing. Either party may choose to record the hearing and if they decide to so, it is encouraged that they inform the assigned advocate in addition to the other party.

What happens after the hearing?

- Within 10 working days after the hearing ends, the LHRC shall give its written findings of fact and recommendations to the parties and their representatives. Whenever appropriate, the LHRC shall identify information that it believes the director shall take into account in making decisions concerning discipline or termination of personnel.

- Within 5 working days of receiving the LHRC's findings and recommendations, the director shall give the individual, the individual's chosen representative, the human rights advocate, the provider's governing body, and the LHRC a written action plan he intends to implement to respond to the LHRC's findings and recommendations. Along with the action plan, the director shall provide written notice to the individual about the timeframe for the individual's response and a statement that if the individual does not respond, then the complaint will be closed. The plan shall not be implemented for 5 working days after it is submitted unless the individual agrees to its implementation sooner.

- The individual, his chosen representative, the human rights advocate, or the LHRC may object to the action plan within five working days by stating 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. The provider may, however, implement any portion of the plan to which the individual making the complaint agrees. If no one objects to the action plan, the director shall begin to implement the plan on the sixth working day after he submitted it, or as otherwise provided in the plan.

- If an objection to the action plan is made and the director does not resolve the objection to the individual's satisfaction within 2 working days following its receipt by the director, the individual may appeal to the SHRC under 12VAC35-115-210.

- Any party may also appeal to the SHRC if he disagrees with the LHRC's final findings of fact, conclusions, and recommendations following a hearing.

- The steps for filing an appeal to the SHRC are provided in 12VAC35-115-210(B)(C), and (D).