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SILC Policies and Procedures: A Solid Foundation for Management

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June 29, 2016

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You Will Learn

- How written administrative policies and operating procedures for SILCs support good governance.
- Meeting rules and expectations for officers and members, including rules for term limits and member removal.
- Financial policies and procedures are matched to the amount of fiscal responsibility by the SILC.
- Strategies for managing public comments while adhering to the state open meeting laws.
- Best practices for strong standard operating procedures for SILC responsibilities.

What is the purpose of Independent Living?



“The purpose ... is to promote a philosophy of independent living, including a philosophy of consumer control, peer support, self-help, self-determination, equal access, and individual and system advocacy, in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities, and the integration and full inclusion of individuals with disabilities into the mainstream of American society.”

The SILC: A Partner in Accomplishing This



- As a partner in the state IL network, the SILC has a distinct role to play.
- That role is defined in law, but should also be brought into language that best expresses a SILC's fulfillment of the law and its approach to meeting those requirements.
- The legal documents of the SILC will help define this.
- Your policies and procedures and, if you are a non-profit SILC, your bylaws, will provide the framework that assists the SILC in fulfilling its duties within IL philosophy.

Not All SILCs Are Created Alike

- More than half of the SILCs have organized as a private, non-profit (not-for-profit) corporation where the SILC Council is the governing board of the non-profit entity.
- Some of the SILCs have created a side-by-side corporation to serve as the non-profit, but with a different board of directors. Each is different in the way the two entities interact.
- Some of the SILCs are an independent state agency established by executive order or state legislation.
- While most of the policies and procedures will be the same, some may vary based on the state structure.

Regardless of the organizational structure...



- The SILC is established in the Rehabilitation Act, Title VII Sec 705(a).

(a) Establishment. – To be eligible to receive financial assistance under this chapter, each State shall establish and maintain a Statewide Independent Living Council (referred to in this section as the “Council”). The Council shall not be established as an entity within a State agency.

Suggestion: When the law speaks to specific items, use the language of the law in your bylaws, written policies or both. Start with the law, then describe your SILC’s specific process.

The California Approach

- SILC Culture drives policy development.
- Creates a culture and environment where SILC members feel valued and want to uphold guidelines.
- Fosters a culture that welcomes suggestions, gives latitude in making decisions, and gives encouragement, creating an environment where growth and development are more likely.
- Promotes teamwork toward goals.
- Uses technology to support a culture of transparency, allowing constituents to see how things operate.

Policy Development is Council Driven

- Initial rewrite instigated by Chair who had recently completed similar process for another Council.
- Modules added organically as priorities emerged.
Examples:
 - Rules by which to meet peacefully
 - Compliance review – define Ex-Officio appointment
 - Committee Roles and Responsibilities
 - Diversity Plan
 - Mentoring Program
- After final approval, post on website.

Rules By Which to Meet Peacefully

- Originally written by the Statewide Association of ILCs.
- Read aloud each day of in-person meeting.
- Bulleted points include:
 - SILC Chairperson or designee shall facilitate the meeting.
 - Members need to wait to be recognized by the meeting facilitator.
 - The facilitator will make sure that everyone who wants to speak on a topic does so before second comments from the same person are taken.
 - Discussions should be focused on the issue at hand; no side conversation.
 - Members are reminded to use “I” statements when speaking.
 - Cell phones and pagers will be silenced during the meeting.

State policies are followed for financial activities – why duplicate?

- California's Policies and Procedures posted on their website at <http://www.calsilc.org/about.html#policiesprocedures>
- Some policies are listed topically elsewhere on the site.

Questions?



The Kansas Approach

What drove the Kansas SILC to update our bylaws and policies?

Audits, Audits and more Audits!

Policy Development Is Compliance Driven

- Kansas SILC had an obligation under a State corrective action plan to update our bylaws and policies.
- It was time – documents were decades old, there was new staff and the board was focused on a new direction.
- Best practice – review policies and procedures regularly and assure they are current.

Bylaws and Policies Committee Formed

- 2 SILC board members, the Executive Director and a CIL representative
- Rewrote everything! Bylaws, fiscal policies, personnel policies and conflict of interest statement
- We looked at online sources, current CIL policies, and State agency suggestions
- Worked with ILRU on clarifications

Next Steps

After initial policy development, committees address additions or changes.

- Left the bylaws and policies committee as a standing committee and an agenda item at every board meeting.
- Once a year (and more often if needed) this committee thoroughly reviews all documents and recommends any needed updates for approval of the board.
- New board members receive all these documents at orientation.

Fiscal Policies for a One-Person Non-Profit SILC Office



- With only one staff person, it was difficult to put internal controls in place.
- We wanted full transparency.
- See sample policy, "Statewide Independent Living Council of Kansas Fiscal Policies & Procedures."

Questions?



The Law: Foundation for Policy

- The language of the law will make a fine policy statement for most of these topics.
- Most SILCs need to update their policies to match the law. Once the final regulations implementing the WIOA are published, SILCs will want to match the statute.
- The confusion around what is required by SILCs often comes from inconsistency between a SILC's written policies or bylaws or tradition.
- These are statutory requirements, so do not vary from what the law requires.

Composition – The Council Shall Include:

- A. among its voting members, at least 1 director of a center for independent living chosen by the directors of centers for independent living within the State;
- B. among its voting members, for a State in which 1 or more centers for independent living are run by, or in conjunction with, the governing bodies of American Indian tribes located on Federal or State reservations, at least 1 representative of the directors of such centers; and
- C. as *ex officio*, nonvoting members, a representative from the designated State entity, and representatives from State agencies that provide services for individuals with disabilities; (Note any state agency rep is *ex officio*.)

Additional members – The Council may include—

- A. other representatives from centers for independent living;
- B. individuals with disabilities;
- C. parents and guardians of individuals with disabilities;
- D. advocates of and for individuals with disabilities;
- E. representatives from private businesses;
- F. representatives from organizations that provide services for individuals with disabilities; and
- G. other appropriate individuals.

Qualifications

In general. – The Council shall be composed of members—

- (i)** who provide statewide representation;
- (ii)** who represent a broad range of individuals with disabilities from diverse backgrounds;
- (iii)** who are knowledgeable about centers for independent living and independent living services; and
- (iv)** a majority of whom are persons who are-
 - (I)** individuals with disabilities described in section 7(20)(B); and
 - (II)** not employed by any State agency or center for independent living.

Voting Members

A majority of the voting members of the Council shall be –

(i) individuals with disabilities described in section 7(20)(B); and

(ii) not employed by any State agency or center for independent living.

- Mirror this language in your bylaws and policies.
- That will guide the governor's appointment office regarding people they appoint.

Chairperson

(A) In General. Except as provided in subparagraph (B), the Council shall select a chairperson from among the voting membership of the Council. (So a state agency representative cannot serve as chair.)

(B) Designation by Governor. In States in which the Governor does not have veto power pursuant to State law, the appointing authority described in paragraph (1) shall designate a voting member of the Council to serve as the chairperson of the Council or shall require the Council to so designate such a voting member.

Your bylaws and policy can be specific based on whether your state falls under (A) or (B).

Terms of Appointment

(A) Length of term. – Each member of the Council shall serve for a term of 3 years, except that—

(i) a member appointed to fill a vacancy occurring prior to the expiration of the term for which a predecessor was appointed, shall be appointed for the remainder of such term; and

(ii) the terms of service of the members initially appointed shall be (as specified by the Governor) for such fewer number of years as will provide for the expiration of terms on a staggered basis.

(B) Number of terms. – No member of the Council, other than a representative described in paragraph (2)(A) if there is only one center for independent living within the State, may serve more than two consecutive full terms.

Are term limits specific and followed?

- Your legal documents, such as your bylaws and/or your policies and procedures, should mirror the language in the Rehabilitation Act as amended by WIOA.
- In some states the Governor's appointment office is looking to your legal documents to see what membership is required.
- Do you want new appointments to fulfill a vacated position or to start "fresh" with a full three-year term? You may need to specify with your Governor's office the total number of people who can be on the council and whether a new appointment is fulfilling a vacancy, thus serving a shorter overall term, or is for a new term.

Duties. – The Council shall—

- (A) develop the State plan as provided in section 704(a)(2);
- (B) monitor, review, and evaluate implementation of State plan;
- (C) meet regularly, and ensure that such meetings of the Council are open to the public and sufficient advance notice of such meetings is provided;
- (D) submit to the Administrator such periodic reports as the Administrator may reasonably request, and keep such records, and afford such access to such records, as the Administrator finds necessary to verify the information in such reports; and
- (E) as appropriate, coordinate activities with other entities in the State that provide services similar to or complementary to independent living services, such as entities that facilitate the provision of or provide long-term community-based services and supports.

Policies and Procedures Describe the “How”



- You might state that you will develop the state plan, and develop a procedure that describes how that will be done, including any hearings the Council requires.
- How often do you meet? This should be in policy.
- How do you assure your meetings are open to the public and that sufficient advance notice is provided?
- You might want a policy that you will monitor, review, and evaluate the implementation of the State Plan, and include a the procedure(s) that describes how.
- A policy on reports and record keeping might address reports to the council from the ED, reports to the DSE and the development of the 704 report, an annual performance report of Part B, ILS, and other funds, for which the Council is now responsible.

Authorities.

The Council may, consistent with the State plan described in section 704, unless prohibited by State law—

- (A)** in order to improve services provided to individuals with disabilities, work with centers for independent living to coordinate services with public and private entities;
- (B)** conduct resource development activities to support the activities described in this subsection or to support the provision of independent living services by centers for independent living; and
- (C)** perform such other functions, consistent with the purpose of this chapter and comparable to other functions described in this subsection, as the Council determines to be appropriate.

Especially Consider Policies on Authorities!



These are new areas that you described in your newest State Plan for Independent Living. They are *optional*, not required, so you want your council members and statewide network to be on the same page.

How will you. . .

- Coordinate services with public and private entities?
- Conduct resource development activities to support the activities of the SILC and/or to support the provision of independent living services by CILs?
- Describe and agree on any other functions the Council included in the SPIL that the Council felt would be consistent with its purpose and appropriate to its role?

Limitation

- The Rehabilitation Act states that the Council shall not provide independent living services directly to individuals with significant disabilities or manage such services.
- You may want to have a policy that restates the law, and a procedure for addressing any complaints that might arise around this or other work the Council is doing, with which another entity in the Independent Living network disagrees.

How is the resource plan prepared and monitored?

- Who develops the resource plan?
- How does the Council monitor the management of the resource plan?
- What reports are provided, by whom, and with what frequency? For example, Centers should send their annual performance reports, 704, Part IIs, to the SILC so that the SILC may effectively monitor the implementation of the SPIL.
- If the Council has staff, do you have position descriptions and an organizational chart describing the staff roles?
- What are the staff roles and the DSE roles related to monitoring the resource plan?

Supervision and Evaluation

- If you have staff, you may want to have a policy and procedures for supervising and evaluating staff and other personnel needed to carry out the functions of the Council.
- Generally an Executive Director's performance would be evaluated annually by the Council.
- Generally, other staff would be evaluated annually by the Executive Director.

Compensation and Expenses

- You may need policies, procedures and probably forms which allow Council members to request reimbursement for reasonable and necessary expenses related to meetings and performing Council duties.
- These may mirror your DSE policies and procedures, especially if they are writing the checks.
- If you intend to provide compensation, your policy and procedure should address when to pay reasonable compensation to a member of the Council, if such member is not employed or must forfeit wages from other employment, for each day the member is engaged in performing Council duties, and how a member is to request such compensation.

Conflict of Interest

- You are required to assure that personnel are not assigned duties that would create a conflict of interest.
- It is typical in that a conflict of interest policy requires any member who might benefit personally from a decision will:
 - a. Inform the Council of the potential conflict.
 - b. Refrain from discussing or voting on the matter.
- The nature of consumer control in the Independent Living network raises the possibility of such conflicts.
- A Council member may be a staff member or consumer of a CIL, for example. However, unless they personally would benefit from the decision, it is not considered a conflict.
- Conflicts are expected and allowed as long as disclosed.

Conflicts of Interest and Ethical Codes of Conduct

- There are many sample policies, procedures and codes available.
- If you develop such a policy, the Council needs to review and decide on them.
- Best practice – this is a training item at least annually, after which all members and staff sign their agreement to the code of ethics.
- Best practice – orientation of new Council members includes a review of these policies and signing of the members' agreement to abide by the codes/policies.

Do you have policies and procedures for meetings?

- How do you encourage public input and still complete the items on your agenda?
- Most SILCs limit public input to a specific time on the agenda, and limit the length of that input.
- You should have an agenda, and in most states that agenda is also available to the public in advance of the meeting. (And you cannot deviate from the agenda.)
- We suggest a handout or brief that provides background and pros and cons for any item that the Council will be considering. The ED or a committee typically provides this.

Open Meetings and Consumer Input

- Your Council is required to meet the Open Meetings Act in your state, which varies from state to state. Study a copy so you know what policies you need. (You may also want to have it on hand at meetings in case questions arise.)
- Typically each of your Council meetings must be announced in advance.
- Typically each of your Council meetings must have a time set aside for public comment. This time can and should be structured and limited.
- It is not necessary for the Council to respond to public comments. Typically you cannot discuss new items during the meeting because it is public. Take notes and consider an expanded time for a decision on your next agenda.

Philosophy of Equal Access

The expectation is that all operations of the IL Network are accessible. Your policy might include:

- Communication – interpreters, readers, video, CART, captions, Braille and other alternative formats as needed for reasonable accommodations.
- Physical access to all sites used by the Council for meetings or for input.
- Notice regarding fragrance & smoke-free meetings to accommodate people with environmental illness/multiple chemical sensitivity and adherence by Council members.
- Signage for public areas meets ADA requirements for height, raised letter and Braille.
- Advocacy to achieve public access.

Including These in Written Policies and Procedures...

- Helps the Council members to all be on the same page when it comes to describing and implementing SILC responsibilities.
- Establishes a structure for the Council to accomplish its work.
- Clarifies the specific requirements for Council members and staff as they go about the work of the Council.
- Can be posted and made available to all. This transparent approach to policies and procedures assists the Council in consistently meeting both internal and external requirements.

Expectations for Each Council Member

- Can be clarified in writing, including attendance.
- Might specify that Council members cannot speak for the Council as individuals except when acting in relevant Council meetings or as delegated by the Chair, at the direction of the Council.
- The Council can then hold itself accountable to its legal documents including the statute which authorizes it (Title VII of the rehab act), other laws that apply, its own bylaws and written policies and procedures.

Questions?



If...then

- If your council hires staff, then you need a set of personnel policies and procedures that match the personnel requirements in the state. It should include budgeting, hiring, evaluating, and disciplining staff so all areas are written BEFORE a problem occurs.
- If your Council receives funds to operate, then you need policies and procedures around developing a budget, reviewing financial statements, and conducting an annual review or audit.
- If your state has special legislation describing the appointment of Council members, that should be repeated in your policies and procedures.

Resources

- To view content specific to SILCs, or to sign up for mailing list go to: <http://www.ilru.org/projects/silc-net> (subscription in bottom left corner).
- Like and follow us at <https://www.facebook.com/SILCConnection/>
- Follow us on Twitter at @ILNET and @paulamclwee
- Subscribe to weekly Technical Assistance articles for CILs and SILCs at <http://ilnet-ta.org/wp>
- Check out the California SILC policies online at <http://www.calsilc.org/about.html#policiesprocedures>

For on-going technical assistance, contact:



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And feel free to ask questions either through email and phone, or through our new blog at <http://ilnet-ta.org/>

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Support for development of this training was provided by the Department of Health and Human Services, Administration for Community Living under grant number 90TT0001-02-00. No official endorsement of the Department of Health and Human Services should be inferred. Permission is granted for duplication of any portion of this PowerPoint presentation, providing that the following credit is given to the project:

Developed as part of the SILC-NET, a project of the IL-NET, an ILRU/NCIL/APRIL National Training and Technical Assistance Program.