

New Hampshire Statewide Independent Living Council

By-Laws

Adopted September 2020

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Definitions:

Designated State Entity (DSE) shall mean the New Hampshire Bureau of Vocational Rehabilitation.

Year shall be defined as October 1st through September 30th.

Simple Majority shall mean at least fifty-one percent (51%) of the appointed members present at meeting.

Super Majority shall mean at least two-thirds (2/3) of the appointed members present at meeting.

Article I

Name

The organization will be known as the New Hampshire Statewide Independent Living Council and will hereafter be referred to as the Council or SILC.

Article II

Purpose, Mission & Philosophy

Section 1 Purpose

The purpose of the SILC is to provide advice to the Governor of the State of New Hampshire and the New Hampshire Bureau of Vocational Rehabilitation (herein "DSE") connected to the section of Title VII services as described under The Rehabilitation Act of 1973, as amended by WIOA in 2014, to individuals with significant disabilities to improve their ability to function, continue functioning, or move toward functioning independently in the family, community or to continue in employment.

The primary duties of the SILC are:

1. To jointly develop the State Plan for Independent Living, (herein "SPIL") with the Director of the Center for Independent Living (CIL) after input from individuals with disabilities throughout the state and sign the SPIL along with the DSE as required in Section 704 of the Rehabilitation Act.
2. Shall provide for the review and revision of the SPIL not less than once every three years.
3. To implement and monitor the compliance of the approved SPIL throughout the SPIL tenure.
4. To coordinate activities with the State Rehabilitation Council (herein "SRC") and other councils that address the needs of specific disability populations and issues under Federal Law.
5. To ensure that all regularly scheduled meetings of the SILC are open to the public and sufficient advance notice is provided.

6. To provide to the Commissioner of the Administration of Community Living such periodic reports when requested, keep such records, and afford such access to such records, as the Commissioner finds necessary to verify such reports.
7. As requested, provide reports to the Administration of Community Living.
8. To hold such hearings and forums as the SILC may decide are necessary to make and give reports.
9. As needed and consistent with state law, supervise and evaluate staff and other personnel as may be necessary to carry out the duties of the SILC.

Section 2 Mission

The Mission of SILC is to provide leadership and advocacy in support of the independent living philosophy for persons with significant disabilities.

Section 3 Philosophy

SILC will be guided by the independent living philosophy. The philosophy of independent living includes consumer control, peer support, self-help, self-determination, equal access and individual and systems advocacy in order to maximize the leadership, empowerment, independence, and productivity of individuals with disabilities. The Council promotes integration and full inclusion of people with disabilities into mainstream America.

Article III

Council Membership

Section 1. Number of Members

The Council shall consist of not less than seven (7) or more than fourteen (14) members.

Section 2. Appointment

Members of the SILC shall be appointed by the Governor. Interested individuals must contact the SILC's Chairperson indicating their interest in

becoming a council member. The SILC chairperson forwards individual's resume to the SILC's membership committee to put forth to the Council for approval to send to the Governor's office. The effective date of each member's term will be the date of the Governor's appointment letter.

Members:

1. Support the purpose, mission, and philosophy of SILC.
2. Commit time, expertise, and energy to the fulfillment of the purpose of the Council including regular attendance at Council meetings and must serve on at least one of the standing committees during their tenure as a Council member.
3. Will not designate another individual to represent him/her at SILC meetings or SILC committee meetings.

Section 3: Composition

- a. As a voting member, the director of the Center for Independent Living.
- b. As ex officio, non-voting members, a representative from the DSE, and representatives from other State agencies that provide services for individuals with disabilities.
- c. Additional members may include:
 - a. Voting members may include:
 - i. Parents and/or guardians of individuals living with a disability.
 - ii. Individuals living with a disability.
 - iii. Advocates of and for individuals living with a disability.
 - iv. Representatives from private business.
 - v. Representatives from organizations that provide services for individuals living with a disability.
 - vi. Other interested individuals.
 - vii. Non-voting: Other representatives from the Center for Independent Living.
 - b. No organization may have more than 2 employees serve on the Council at the same time.

Section 4. Council Composition

Membership recruitment will be guided by the following:

- a. Members who provide statewide representation.
- b. Those who represent a broad range of individuals with disabilities from diverse backgrounds.
- c. Knowledge about the independent living philosophy, movement, and needs.
- d. Require that a majority of members are individuals living with a disability and are not employed by any State agency or any Center for Independent Living.

Section 5. Term of Office

- a. Each member of the SILC is appointed to serve for a term of three (3) years.
- b. No member of the SILC may serve more than two (2) consecutive three (3) year terms.
- c. Following one year out of office, a former Member would again be eligible to serve two (2) successive three-year terms.

Section 6 Removal

Any Council member may be removed as a member of the Council and /or as an officer of the Council by a Super Majority of the full Council members at any time for any reason.

Section 7. Resignation

Any Council member may resign in writing to the SILC Chair. Such resignation shall be effective upon receipt unless it is specified to be effective at some other time or upon the happening of some other event.

Section 8. Regular Meetings

Regular meetings of the Council:

- a. Shall be held in-person and comply with any state and federal requirements.
- b. Shall hold no less than 5 meetings per year with a schedule to be issued and posted accordingly, prior to the start of each new year.
- c. Annual meeting will be held each year during the last meeting of the year for the purposes of electing officers.
- d. Will be open and accessible to the general public.

- e. Voting may occur at any meeting with decisions final on a simple majority.
- f. Will be recorded in minutes made available in accessible formats.

Section 9. Notice of Meetings

Annually, the SILC will issue meeting dates for the next year, dates will be sent electronically to each member and be posted on the SILC website.

Section 10. Quorum of Full Council

A Simple Majority of the duly elected members shall constitute a quorum for any regular meeting of the Council for the transaction of business. A simple majority of those members present shall carry the vote.

Section 11. Voting Rights

Each voting member has one vote.

Section 12. Compensation

Members shall not receive any compensation for their services as a member but may be reimbursed for expenses incurred in carrying out their duties as members including attendance at Council and Committee meetings.

Article IV

Powers and Duties of Officers

Section 1. Election and Term of Office

The Executive Committee shall nominate a slate of officers from the general membership and present this list of nominees to the SILC. An announcement of the election will be emailed to membership at least ten (10) days before to the scheduled election. The elected officers of this organization shall be the Executive Committee and shall include the:

1. Chairperson of the Council

2. 1st Vice Chair
3. 2nd Vice Chair
4. Secretary
5. Immediate Past Chairperson (ex officio)
 - a. The officers shall be elected by the Council membership at the Annual SILC meeting.
 - b. Term of office for Chairperson and Vice Chairpersons is one (1) year. A person shall not be Chairperson or Vice Chairperson for more the four (4) one (1) year terms.
 - c. Vacancies shall be filled by a vote of the membership.
 - d. The Chairperson may elect or appoint such other officers as deemed necessary for the functioning of the Council, including an unexpected vacancy of an executive member.
 - e. The office of any official position may be combined and held by one (1) person.

Section 2. Chairperson

The Chairperson shall:

- a. Be a voting member of the Council.
- b. Preside over SILC and Executive Committee meetings.
- c. Appoint chairpersons of all committees and shall serve as a voting member of all committees.
- d. Appoint delegates/representatives to other organizations deemed appropriate, necessary, and consistent with the purpose of this organization.
- e. Serve on the SRC or designate among the officers, a representative to serve on the SRC.
- f. Forward nominations for the SILC membership to the Governor.
- g. Represent the SILC or assign a Council member to represent the SILC.
- h. Prepare reports or other documents, as necessary for SILC meetings.
- i. Have the authority to establish an ad-hoc committee for the purpose of conducting business for the SILC.
- j. Chairperson's vote shall act as a tiebreaker for any Council or committee vote.

Section 3. 1st Vice Chair

The primary responsibility for the 1st Vice Chair is to become familiar with the SILC, SRC, ILC, Government agencies, and personnel involved with the Independent Living process. The 1st Vice Chair shall:

- a. Be a voting member of the Council.
- b. Preside over SILC and Executive Committee meetings in the absence of the Chairperson.
- c. Prepare for the position of Chairperson.
- d. Attend meetings with or in place of the Chairperson to become familiar with the SILC process.
- e. Have such powers and perform such duties as may be assigned by the Chairperson.

Section 4. 2nd Vice Chair

The Second Vice Chair shall have such powers and perform such duties as may be delegated by the Chairperson and be a voting member of the Council.

Section 5. Secretary

The Secretary shall review, edit, and approve minutes of Council meetings prior to distribution to the full membership for final approval. The Secretary shall perform such other duties and have such other powers as the Chairperson may from time to time designate and be a voting member of the Council.

Section 6. Immediate Past Chairperson

The Immediate Past Chairperson shall assist in the transition of the new Chairperson. He/she will serve on the Executive Committee with voting authority if still within their term as a Council member. If her/his term as a Council member has expired, they shall remain on the executive committee and Council for one year as a non-voting member.

ARTICLE V

Committees

Section 1. Appointment and Tenure

The chair and other members of each committee shall be appointed by the Council Chairperson.

Section 2. Quorum of Committee Meetings

A Simple Majority of the duly elected members shall constitute a quorum for any committee meeting of the Council for the transaction of business. A simple majority of those members present shall carry the vote.

Section 3. Duties of Committee Chairpersons

1. Schedule committee meetings.
2. Organize agendas for committee meetings.
3. Coordinate activities of the committee.
4. Maintain necessary written records of Committee meetings and activities.
5. Report committee activities to Executive Committee and at full Council meetings.
6. Ensure committee members' accessibility issues are addressed, using DSE staff to assist in arrangements as needed.
7. Arrange for compensation and expenses of committee members as necessary.

Section 4. Scope of Responsibility

The scope of responsibility of each committee is outlined below. All standing committees are responsible to further the mission of the SILC and guided by charges from the Chairperson or outlined in the SPIL. Each committee's recommendations shall be conveyed by the Committee Chair to the Council for action.

Section 5. Standing Committees

The following committees shall be appointed annually:

1. Executive Committee
 - a. The make-up of the Executive Committee shall be the Officers of the Council and the Immediate Past Chair. Non-voting

members, the DSU representative may attend the Executive Committee.

- b. The purpose of the committee is to further communications between meetings and to act for the Council in emergencies.
 - c. All activities taken by the Executive Committee between Council meetings will be reported to the full Council at its next regularly scheduled meeting.
 - d. Primary responsibilities include:
 - i. Participation in the development and approval process of SPIL.
 - ii. Advising the Governor and DSE regarding issues concerning independent living.
 - iii. Annual review of membership status of the SILC.
 - iv. Completion of Annual Report of the SILC.
 - v. Creating the calendar for Council Meetings each year.
 - vi. Make recommendations regarding the removal of Council members due to excessive absence or failure to carry out their duty as a Council member.
2. Governance Committee
- a. The committee composition includes a Committee Chair named by the Chairperson and members who are designated by the Chairperson of the Council.
 - b. Responsibilities include:
 - i. To evaluate SILC staff.
 - ii. Periodic progress evaluation of the SPIL.
 - iii. Together with the DSE prepare a resource plan to meet the needs of the SILC as well as such compensation and expenses that are reasonable and necessary for the membership to participate in the SILC.
 - iv. Review financial information and reports from the recipients of Part B monies in accordance with Financial Records Keeping (Sec 704 (m) (A) and (B) of the Act; 34 CFR 364.35).
 - c. Maintain records that fully disclose:
 - i. The amount and disposition by each recipient of the proceeds of such financial assistance.
 - ii. The total cost of the project or undertaking in connection with which such financial assistance is given or used.
 - iii. The amount of that portion of the cost of the project or undertaking supplied by other sources.

- iv. Compliance with the requirements of Chapter I and 34 CFR Parts 364, 365, 366, and 367.
- d. Maintain such other records as the Secretary determines to be appropriate to facilitate an effective audit.
- e. Access to Financial Records (Sec 704 (m) (4&5) of the Act; 34 CFR 364.37).

All recipients of financial assistance under Chapter I will afford access to the Secretary and the Comptroller General or any of their duly authorized representatives, for the purpose of conducting audits and examinations, to all records maintained pursuant to section 7.3 of the SPIL immediately above and any other books, documents, papers, and records of the recipients that are pertinent to the financial assistance received under Chapter I. 3. 7.5 Financial Reports (Sec 704(m) (4) (D) of the Act: 34 CFR 364.36). All recipients of financial assistance under Chapter I will submit reports with respect to records required in section 7.3 of the SPIL, as the Secretary determines to be appropriate.

3. Advocacy Committee

- a. Composition includes a Committee Chair designated by the SILC Chairperson and members who are designated by the Chairperson of the SILC.
- b. Responsibilities include:
 - i. Coordinate advocacy and outreach on key independent living issues.
 - ii. Identify independent living issues.
 - iii. Identify and collaborate with appropriate partners as needed.

4. Membership Committee

- a. Composition includes a Committee Chair designated by the SILC Chairperson and members who are designated by the Chairperson of the SILC.
- b. Responsibilities include:
 - i. Assist in the review of applications for new Council members.
 - ii. Conduct new member orientation to help with the transition of new members to the work of the Council.
 - iii. Survey the Council membership to assess needs and recommendations.

- iv. On-going monitoring of term limits and membership compliance with SILC By-Laws.

Section 6. Task Forces

As the need arises, the SILC Chair may establish a task force for the purpose of investigating and make recommendations on specific issues. These task forces are limited to acting on the issues for which they were created, and within the timeframe established for the assignment.

Article VI

Conflict of Interest

Section 1. Definition

All voting and non-voting members of the Council have the duty to inform the Council in writing of any actual or potential conflicts of interest in respect to their personal interests and those of the Council. A Conflict of Interest is defined as any matter of Council business which shall or might result in that member, or his/her organization, receiving a direct or indirect personal benefit, financial or otherwise, or that might be perceived as a conflict of interest as described by State or Federal Law the U.S. Department of Education.

Section 2. Prohibition on Voting

No member shall cast a vote on any matter that would provide direct financial benefit to the member, the member's related organization, or otherwise give the appearance of a conflict of interest under State or Federal Law.

Section 3. Resolving a Conflict of Interest

The Governor will resolve any disagreement between the SILC and the DSE concerning resources necessary to carry out the functions of the SILC.

Article VII

Amendments

Section 1. Amendments

These bylaws may be amended or new ones adopted by a Super Majority of the Council members at any regular or special meeting of the Council provided, however, that the notice of such meeting shall specify that amendments to the bylaws will be considered at such meetings and shall summarize the proposed amendments. Any and all votes outside of the full Council made by the Executive Committee shall be sent to the full Council immediately post vote.

Section 2. Super Majority Vote

A Super Majority vote of the Council shall be required for ratification.

Section 3. Consistency with State and Federal Statutes

Any amendments, alterations changes, additions, or deletions from these Bylaws shall be consistent with the laws of New Hampshire and the Rehabilitation Act of 1973, as amended.