

DISTRICT SOUTH (SIERRA VISTA) INDEPENDENT OVERSIGHT COMMITTEE
DEPARTMENT OF ECONOMIC SECURITY
DIVISION OF DEVELOPMENTAL DISABILITIES

COMMITTEE GUIDELINES

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ARTICLE I: NAME

The name of this organization is the District South (Sierra Vista) Independent Oversight Committee (IOC).

ARTICLE II: OBJECTIVES

- Section 1. The IOC will provide independent advisory oversight, review, and make recommendations so that the guaranteed rights (Arizona Disability Law 36.551.01) will be protected for the persons with developmental disabilities who reside in the State of Arizona.
- Section 2. The IOC shall review all aversive or intrusive behavior programs in order to ensure that basic rights and the rights to treatment are not infringed upon for the convenience of staff, relatives, or the community. The IOC may recommend approval of the program; recommend the denial of the program; revisions are made to the program; and/or recommend that a program not be implemented at all.
- Section 3. The IOC will review all behavior modifying medical programs and/or medications which can cause behavior change as a side effect. When the IOC reviews the use of the behavior modifying medications, it shall receive information from prescribing physicians and the clients' interdisciplinary team describing the need for such medication and possible side effects. The IOC will ensure that basic rights and the right to treatment are not infringed upon for the convenience of staff, relatives, or the community.
- Section 4. The IOC will review all allegations of possible abuse, neglect, or denial of human rights.
- Section 5. The written proposal or research projects will be submitted to the IOC for review and comment. The IOC may request an interview with the person(s) proposing the project to assure the research project will not deny any members' rights of those that participate in the project.

The IOC will ensure appropriate procedures are in place to protect the confidentiality and privacy of the members' personal information and records.

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All research must comply with Division of Developmental Disabilities (DDD) policies and all laws pertaining to privacy and safeguarding of personal information.

- Section 6. The IOC may review general rights issues (e.g., the right to adequate treatment or the right to public education) alone or with the consultation of the District Program Manager (DPM), with any other applicable and appropriate State of Arizona Department of Economic Security and/or Division of Developmental Disabilities (DDD) personnel.
- Section 7. The IOC, in consultation with the District Program Manager (DPM), may visit a Division-funded (ICFs) Intermediate Care Facilities, for whom the IOC is reviewing a program, lives or works; may attend Individual Planning Meetings (e.g., quarterly reviews, annual Individual Service Plan [or Planning Document], or special staff meetings); and Program Review Committees [PRC] for behavior treatment plans and follow up as needed.
- Section 8. The IOC, in consultation with the District Program Manager, may review all incident reports on a monthly basis.
- IOC members related to a member may not review an incident report. Any such reports will be forwarded to another IOC committee for review as a part of their next regular meeting and incident report review process.
- Section 9. The IOC, in consultation with the District Program Manager, may review members' records when appropriate.
- Section 10. The IOC, in consultation with the District Program Manager, may review proposed and existing policies and procedures or guidelines relevant to rights or persons being served by the Division of Developmental Disabilities under the State of Arizona Department of Economic Security.
- Section 11. As a referring body, the IOC may determine the need for further review, consultation, or information by community, State, individuals, or local organizations (e.g., Center for Law in the Public Interest, Association of Retarded Citizens, Office of Special Investigations, Protective Services, etc) and may ask the District Program Manager to take necessary steps to refer the program or address the situation in question (as determined by the IOC) to the program and/or individual the IOC determines most appropriate to for review.

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Section 12. The IOC may submit written objections to specific problems or violations of any members' rights by the Division of Developmental Disabilities (DDD) employees or service providers to the Director or the appropriate department for review.

ARTICLE III: MEMBERSHIP

Section 1. The IOC shall be composed of at least seven (7) and not more than fifteen (15) persons with expertise in one or more of the following areas:

- Psychology
- Law
- Medicine
- Education
- Special Education
- Social Work
- Criminal Justice

The IOC should include, when possible, guardians or parents of a child with developmental disabilities.

Section 2. When the IOC has a vacancy (less than 15 members), the committee may recommend membership of a nominee. Upon passing the appropriate steps with the Division of Developmental Disabilities volunteer coordinator and the Arizona Department of Administration (ADOA), the IOC may vote with a simple majority vote to recommend the member formally to the Director of the ADOA for full membership on the IOC.

Section 3. No employees of the Division of Developmental Disabilities may serve as a voting member of the committee or count toward quorum pursuant to Arizona Open Meeting Law.

Section 4. No contract service provider or consultant may serve as a voting member or count toward quorum pursuant to Arizona Open Meeting Law.

Section 5. Members must be willing to commit to an initial two (2) year term of service.

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Section 6. There are no term limits. Extension of a member's term is subject to a general review and potential vote.

Section 7. Terms of members will end upon five (5) or more unexcused absences in a calendar year. The committee may discuss (to review attendance and reasons for absences) and act to remove the member with a simple majority vote.

IOC members not able to attend a meeting should contact the Chairperson or IOC Liaison (to communicate the reason with the Chairperson) for an excuse of any absence. The decision to excuse an absence is the Chairperson's.

Section 8. Members may be removed after a discussion and simple majority vote.

Section 9. Member resignation must be communicated to the IOC Chairperson via verbal, written, or electronic communication.

ARTICLE IV: OFFICERS

Section 1. The officers of the Sierra Vista IOC will be the Chairperson and Vice-Chairperson.

Section 2. The officers shall be elected every two (2) years (December of even years) and shall perform duties in the manner prescribed by these guidelines and by parliamentary authority (adopted by the IOC), Arizona Open Meeting Law, and any applicable law in accordance with Federal, State, County, and Local jurisdictions.

Section 3. The Chairperson will coordinate the activities of the IOC; schedule meetings, approve and set items on the agenda, preside at the meetings, review minutes, appoint sub-committees, attend Statewide Chairpersons' meetings as scheduled, and cancel meetings due to lack of quorum or any other duties required to achieve the objectives of the IOC as written in the guidelines. The Chairperson will be notified of members' expirations in a communication method of their choice (phone, email, or electronic means).

The Vice-Chairperson must perform the duties of the Chairperson in their absence or by the direction of the Chairperson. In the absence of the Chairperson and Vice-Chairperson, the meeting will be conducted by the member with the most seniority in the IOC that is present at the meeting.

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Section 4. If the Chairperson resigns or is unable to serve their duties, the Vice-Chairperson will be advanced to the position of Chairperson for the remainder of the term of office. Upon the completion of the term, the IOC shall hold a regular election.

If the Vice-Chairperson is advanced to the office of Chairperson, resigns, or is unable to serve their duties, the next willing committee member with the most seniority in the IOC shall assume the duties of the Vice-Chairperson until the completion of the term.

ARTICLE V: MEETINGS

Section 1. The IOC will meet at least six (6) times a year. Meetings must be held at least every other month.

Section 2. The IOC may combine meetings of two months into one month to work around scheduling conflicts or holidays, but this shall only count as one (1) meeting.

Section 3. Attendance for meetings may be in-person, by telephone, or by electronic means (e.g., Skype, Facetime, etc).

ARTICLE VI: COMMITTEES AND SUBCOMMITTEES

Section 1. Ad hoc committees of 2 or 3 members may be formed and dissolved by the Chairperson as needs arise.

Section 2. Ad hoc committees may not act outside of Arizona Open Meeting Law.

ARTICLE VII: PARLIAMENTARY AUTHORITY

Section 1. The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the IOC as long as such rules are consistent with court settlements, Arizona Revised Statutes, or rules, regulations, or standard operating procedures/articles of these guidelines.

Section 2. If a vote results in a tie, the Chairperson shall make the determination.
The Chairperson will take part in the initial vote as a regular member of the IOC.

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Section 3. A quorum must be met to hold a sanctioned meeting per Arizona Open Meeting Law.

Use the following guide to determine if quorum is met.

- If the total IOC membership is four (4), quorum is four (4)
- If the total IOC membership is five (5), quorum is four (4)
- If the total IOC membership is six (6), quorum is four (4)
- If the total IOC membership is seven (7), quorum is four (4)
- If the total IOC membership is eight (8), quorum is five (5)
- If the total IOC membership is nine (9), quorum is five (5)
- If the total IOC membership is ten (10), quorum is six (6)
- If the total IOC membership is eleven (11), quorum is six (6)
- If the total IOC membership is twelve (12), quorum is seven (7)
- If the total IOC membership is thirteen (13), quorum is seven (7)
- If the total IOC membership is fourteen (14), quorum is eight (8)
- If the total IOC membership is fifteen (15), quorum is eight (8)

ARTICLE VIII: OPEN MEETING LAW PRACTICES

All IOC meetings shall be held in accordance with Arizona Open Meeting Law. The IOC will not violate any other Federal, Arizona (State), county, or city of Sierra Vista laws, rules, or regulations.

ARTICLE IX: CONFIDENTIALITY

All members will sign a statement agreeing to adhere to applicable statutes and rules regarding confidentiality and protected personal information.

ARTICLE X: ADMINISTRATIVE REVIEW

If the majority of IOC members cannot resolve an issue with the District Program Manager, the IOC will communicate, in writing, to the Assistant Director of the Division of Developmental Disabilities within the Department of Economic Security.

If this fails to resolve the issue, the IOC may follow practices of appeals and hearings (R6-6-20).

ARTICLE XI: ANNUAL REPORT

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The IOC shall issue an annual report which shall summarize its activities and make recommendations on changes the Division of Developmental Disabilities should consider implementing.

ARTICLE XII: RECORDS

The IOC will keep written records of open and executive meetings (including the voting records). Audio minutes are authorized as part of the official record with a written summary of main points, actionable items, and voting records.

All public records will be posted online pursuant to Arizona Open Meeting Law.

ARTICLE XIII: SUPPORT STAFF

The Division of Developmental Disabilities IOC Liaison and support staff for the IOC will attend all meetings with no voting rights. The Liaison role is to assist the IOC. His/her activities may include: collecting, condensing, and preparing material for the IOC; arranging presentations; acting as an interface between the IOC and department staff; preparing agendas for the IOC; physical meeting preparation; conference preparation and administration; and other duties as needed to meet the needs of the IOC.

In consultation with the committee, the Liaison may help with the preparation of the Annual Report. The IOC may also request a consultation.

ARTICLE XIV: CONFLICT OF INTEREST

The Chairperson may direct any Committee Member to refrain from presenting a case or voting when a conflict of interest arises. Any member who considers himself/herself to be in a potential conflict of interest will advise the IOC Chairperson of the situation.

ARTICLE XV: AMENDMENT OF GUIDELINES

Section I. These guidelines, as adopted by the IOC on December 13, 2018, may be amended at any regular meeting of the IOC by a three-quarter vote of the IOC,

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provided that the amendment has been submitted in writing at the previous regular meeting. The guidelines and proposed amendment copies will be sent to the District Program Manager.

Section 2. Standing rules, not covered by the guidelines, may be revised with a simple majority vote at any regular meeting.

ARTICLE XVI: HOW TO ACCESS THE COMMITTEE

Request for program review may be surfaced to the IOC through one of its members, a District Program Manager, or a District Program Manager's designee by any of the following: Division of Developmental Disabilities or contract provider staff, Program Review Committee (PRC) members, individuals served, parents, guardians, or other interested parties.