



## **PROCEDURES**



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## **RECRUITMENT, RESIGNATIONS, AND REMOVAL OF COUNCIL MEMBERS**

### **Michigan SILC recruitment of new Members.**

It is the purview of the Governor's Appointments Office to select and appoint Members to the Statewide Independent Living Council (MISILC).

The SILC Executive Director shall serve the Governor's Appointments Office and the Council in the following manner related to recruitment:

1. Track open vacancies on the Council and maintain list of current Council Members representation on Council and terms.
2. Serve as the liaison between the Council and the Governor's Appointment Office.
3. Maintain regular communications with the Governor's Appointments Office including providing input and recommendations for additional Council Members and giving/seeking updates on pending appointments.
4. Regularly remind Council Members of open positions and ask for recommendations.
5. Utilize a variety of platforms and medias to outreach for new Council Members.

### **Michigan SILC resignation of a member.**

Resignations from the Council should be sent in writing to the Council Chair and the MISILC Executive Director. The Executive Director will notify the Governor's Appointments Office of all resignations. Although not required, an exit interview with a member of the Executive Committee will be offered to the resigning Council member.

### **Michigan SILC removal of a member.**

The MISILC Chair and Executive Committee will maintain oversight of the Council Expectations, Responsibilities, and Code of Ethics. The Governor's Appointments Office will be notified of all Code of Ethics violations, unexcused absences, and more than one excused absence. It is the purview of the Governor's Appointments Office to determine if an appointed member should be removed from the Council.



## **ELECTION OF OFFICERS**

**Purpose:** To ensure all Michigan Statewide Independent Living Council (MISILC) Members are aware of eligibility and election process to become an officer, thereby, a member of the Executive Committee.

1. The Executive Committee consists of the Chair, Vice Chair, Treasurer and Secretary. The positions are defined in the bylaws Section.
  - a. Officers serve for one-year terms and can be re-elected for 6 consecutive terms.
2. Selection
  - a. Officers are elected at each annual meeting of the MiSILC Corporation.
  - b. The Council Officer selection begins with nominations from the floor during the annual Council meeting.
3. Nomination Process
  - a. As soon as the Chair opens nominations from the floor, any member can bring forth a nomination.
    - i. A member should know beforehand if the person they wish to nominate is both eligible and willing to serve.
  - b. When the nomination is from the floor:
    - i. A member does not need to be recognized by the Chair and can call out a name while still seated.
    - ii. A person can nominate himself or herself.
    - iii. A nomination does not need a second.
    - iv. A member can be nominated for more than one office, but can only serve in one office.
    - v. A member cannot nominate more than one person for an office until everyone has had the opportunity to make nominations.
    - vi. Nominees do not have to leave the room during the nominations, when the vote is taken, or when the vote is counted.
    - vii. The presiding officer can continue presiding, even if they are one of the nominees for the office.
    - viii. A member can decline the nomination during the nominating process.
    - ix. After each nomination, the chair repeats the name to the Council and asks if there are further nominations for that position.
  - c. The Chair will close nominations when no further nominations come forward.
4. If at any time during the nominating process a member realizes that they will be unable to serve if elected, the member should stand and request to be remove their name from the nomination.



## **CODE OF ETHICS**

As public officers, Members of the Statewide Independent Living Council are subject to the State Ethics Act, MCL 15.341 *et seq.* In addition to following the requirements of the State Ethics Act and refraining from engaging in conduct prohibited by the State Ethics Act, the Members of the Statewide Independent Living Council shall abide by the following Code of Ethics:

1. Uphold and enforce all laws, rules, regulations, State Ethics Act, and Oath of Office.
2. Disclose any and all conflicts of interest and abide by conflict of interest policy.
3. Uphold the independent living philosophy\*, equal access and consumer control.
4. Refrain from interfering with the day-to-day operations of the MISILC.
5. Treat all people with dignity, respect, and compassion to foster a trusting environment free of harassment, intimidation, discrimination and act in a manner that assures the rights and dignity of others are upheld.
6. Refrain from using MISILC position for personal (or friends or family), material, or financial gain or the appearance of such, and safeguard restricted or confidential information.
7. Recognize that authority rests with the MISILC as a whole and make no individual promises or actions that may compromise the MISILC.

### **\*Independent Living Philosophy**

Independent living can be considered a movement, a philosophy, or specific programs. In the context of ACL, independent living programs are supported through funding authorized by the Rehabilitation Act of 1973, as amended (The Act). Title VII, chapter 1 of the Act states the current purpose of the program 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.”*

### **Oath of Office – State of Michigan**

*I do solemnly swear that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of the office of Council Member of the Statewide Independent Living Council according to the best of my ability.*



## **State Ethics Act**

Standards of Conduct for Public Officers and Employees (Excerpt) Act 196 of 1973

### **15.342 Public officer or employee; prohibited conduct. - Sec. 2.**

(1) A public officer or employee shall not divulge to an unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.

(2) A public officer or employee shall not represent their personal opinion as that of an agency.

(3) A public officer or employee shall use personnel resources, property, and funds under the officer or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.

(4) A public officer or employee shall not solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization, other than the state, which tends to influence the manner in which the public officer or employee or another public officer or employee performs official duties.

(5) A public officer or employee shall not engage in a business transaction in which the public officer or employee may profit from their official position or authority or benefit financially from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority. Instruction which is not done during regularly scheduled working hours except for annual leave or vacation time shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with their course of employment with this state.

(6) Except as provided in section 2a, a public officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties or when that employment may tend to impair their independence of judgment or action in the performance of official duties.

(7) Except as provided in section 2a, a public officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest.



## **EXPECTATIONS & RESPONSIBILITIES**

In an effort to pursue excellence as a member of an engaged and impactful Michigan Statewide Independent Living Council (MISILC), voting Members of the Council are asked to commit to the following:

1. Complete two Independent Living Research Utilization (ILRU) webinars or similar IL/SILC trainings per fiscal year.
2. Attend (at least) one MISILC Sponsored or SPIL related activity per fiscal year.\*
3. Membership in (at least) one MISILC Committee if appointed.
4. Attend the majority of assigned MISILC Committee meetings per fiscal year.\*
5. Be excused from no more than one business meeting per fiscal year.\*

*\*Additional excused absences from meetings\activities will be considered according to a Council Member's situation.*

As stated earlier in these procedures, the MISILC Chair and Executive Committee will maintain oversight of the Council Expectations, Responsibilities, and Code of Ethics. The Governor's Appointments Office will be notified of all Code of Ethics violations, unexcused absences, and more than one excused absence. It is the purview of the Governor's Appointments Office to determine if an appointed member should be removed from the Council.



## **CONFLICT OF INTEREST**

This policy is provided in support of Article IV of Section G of the Michigan Statewide Independent Living Council Bylaws.

The Michigan Statewide Independent Living Council (MISILC) represents a diverse community of individuals with disabilities. The MISILC has the responsibility of determining the direction for the Independent Living (IL) Program in Michigan and jointly with the Centers for Independent Living (CILs), developing a State Plan for Independent Living (SPIL) to respond to those needs. As a result, this Conflict of Interest policy has been created to foster public confidence in the MISILC, protect the MISILC's interest, and facilitate successful discussion and decisions by Council Members during Council proceedings.

1. MISILC Council Members have a duty to subordinate personal interests to the welfare of the MISILC and those we represent.
  - a. Conflicts of interest may occur when a Council member or employee is in a position to influence a MISILC decision that would result in personal or financial gain, status or power for themselves or a relative. Similarly, no MISILC Member or their families may be a paid employee of the MISILC. For questions regarding conflicts of interest in employment situations, see the Nepotism Policy.
2. Council Members and employees should avoid any activity, investment, or association that might interfere or conflict, or appear to, with their judgment or duties.
  - a. Council Members and employees are prohibited from receiving gifts, fees, loans, or favors from suppliers, contractors, consultants, or financial agencies, which obligate or induce the member or employee to compromise responsibilities; to negotiate, inspect or audit, purchase or award contracts; with the best interest of the Michigan Statewide Independent Living Council in mind.
  - b. Council Members and employees are prohibited from knowingly disclosing information about MISILC to those who are impertinent or whose interest may be averse to MISILC, either inside or outside MISILC. Nor may Council Members or employees in any way use such information to the detriment of MISILC. No "presumption of guilt" is created by the mere existence of a relationship with an outside firm or individual.
  - c. Please reference the Michigan Whistleblowers' Protection Act (469 P. A. 1980) which creates certain protections and obligations for employees and employers under Michigan law.
3. Council Members or employees may not have a significant financial interest in any property which MISILC purchases, or a direct or indirect interest in a supplier, contractor, consultant or other entity with which MISILC does business.
4. Any possible conflict of interests on the part of any Council member or employee should be disclosed to the other Council Members and made a matter of record immediately.
5. Council Members should immediately disqualify themselves prior to discussion or voting on any matters where there is a conflict of interest.





- a. Any Council member having a conflict of interest, possible conflict of interest or perceived conflict of interest shall not vote or use their personal influence on the matter, and their vote will be counted as an abstention.
6. The minutes of the meeting will reflect that a disclosure was made, the abstention from voting. These restrictions should not be construed as preventing the Council member from briefly stating their position in the matter, nor from answering pertinent question of other Council Members, since their knowledge could be of assistance to the deliberations.
7. Any MISILC member or employee violating this policy will be subject to disciplinary action at the discretion of the Governor's Office or Council as appropriate.
8. *This policy is not inclusive of all potential conflicts. Council Members and employees are expected to disclose any situation which might be construed as conflicts of interest.*



## **NEPOTISM**

The purpose of this policy is to ensure effective supervision, safety, security, performance, and fairness in all aspects of the responsibilities carried out by Michigan Statewide Independent Living Council (MISILC). The policy is also structured to maintain positive morale by avoiding actual or perceived favoritism, discrimination, and actual or potential conflicts of interest by or between Council employees or Members. Individuals serving the Council in any capacity are expected to exemplify the highest personal and professional standards of integrity, truthfulness, honesty, and diligence.

Nepotism is the practice of favoritism, a financial gain or other such advantage, in an employment or volunteer role based on kinship, which ordinarily consists of making employment or other business decisions based on a family relationship.

1. No Council employee, member, or any other volunteer may make, participate in, or attempt to influence Council business or employment decisions involving a relative. Nor should individuals pressure others to do so.
2. Council employee or a Council member cannot use their authority or position with the MISILC to benefit or to disadvantage another Council employee or Council member who is a relative. Although all such potential misuses of authority cannot be listed here, examples include a Council employee signing a performance review for a relative or signing/approving a check payable to a relative.
3. Prior to entering a role with MISILC, or partaking in any business, employment, or other decisions that have the appearance of impropriety or nepotism, Council employees or Members should notify the Council Chair or their highest uninvolved supervisor by submitting a revised Conflict of Interest forms. Council employees or Members are subject to the MISILC Conflict of Interest Policy, employee handbook and disclosure requirements.
4. The Council Chair or other supervisors shall promptly document and notify the appropriate individuals, in writing, of such actual or potential violations of nepotism. The Council Chair or other supervisors must also take necessary steps to address the situation and comply with all local and federal regulations that are applicable.



## **EXECUTIVE DIRECTOR PERFORMANCE REVIEW**

The Executive Director of the Michigan Statewide Independent Living Council (MISILC) evaluation will be completed prior to the approval of the annual budget with SMART (Specific, Measurable, Achievable, Realistic, Timely) goals that align with our strategic plan and SPIL goals. The Executive Director will update the Council and/or Executive Committee on SMART goals from current year.

The following timeline uses the MISILC fiscal year of Oct-September in order to ensure progress and feedback are available in time for the budget cycle and to consider compensation of the executive director.

### **Timeline**

1. August (Weeks 1 and 2)
  - a. Council Chair, or delegate, will distribute appropriate evaluation tools to Council Members, Staff and Community Stakeholders with a suggested two-week turnaround time line.
  - b. Council Chair, or delegate, will retain the password to the online survey tool.
  - c. Council Chair, or delegate, will monitor the responses and follow up as necessary or appropriate to ensure robust engagement.
  - d. The ED will provide a self-evaluation to the Council Chair.
2. August (Weeks 3 and 4)
  - a. Council Chair, or delegate, will compile the results for review at Council Meeting/Executive Session to receive any final input. Council will review tool used and edit for following year.
  - b. The Council Chair and Treasurer will review goals and feedback with the Executive Director and complete evaluation.
  - c. Executive Committee will recommend a compensation package, reviewing benefits to the Finance Committee for inclusion in the budget.
3. September:
  - a. Goals, compensation, action recommendations will be submitted to the Council for approval.
  - b. September: The Executive Committee will meet with the Executive Director to develop SMART goals that align with the strategic plan/SPIL.



## **FREEDOM OF INFORMATION ACT**

The purpose of this policy is to ensure Freedom of Information requests presented to the Michigan Statewide Independent Living Council (MISILC) Office are processed in a timely fashion and in accordance with the Michigan Freedom of Information Act - **MCL 15.243**.

1. MISILC will designate a Freedom of Information Officer to assist the public with requests for official records of the MISILC. It is the responsibility of this officer to follow the Michigan Freedom of Information Act regarding time frames of the request, reasons for denial and any necessary costs.
  - a. Upon legal date of receipt of a FOIA request, the MISILC has five business days to respond. If needed, however, the MISILC may also send a written notice extending the time to respond by an additional 10 business days.
  - b. The MISILC may charge a fee for the cost of the search, examination, review, copying, separation of exempt from nonexempt information, and mailing costs. A fee can only be charged for the cost of search, examination, review, and the separation of exempt from nonexempt information if the failure to charge a fee for that request would result in unreasonably high costs to the public body, and the public body specifically identifies the nature of these unreasonably high costs.
  - c. The MISILC is not required to make a compilation, summary, or report of information or to create a new public record.
2. Requests for MISILC records pursuant to the Freedom of Information Act must be made in writing (includes a writing transmitted by facsimile, electronic mail, or other electronic means) and designate the record(s) sought with reasonable specificity. The request must include the requesting person's complete name, address, and contact information.
3. If all or a portion of the requested information is available on the MISILC website, the requestor will be notified in writing with a link to the specific website page.
4. MISILC staff will maintain a written record of the date of all FOIA requests, the date they were completed and if they were not completed the reasons why.
5. When minimum search time is required, there will be no charge for production of a requested document.
6. When extensive search time is required to provide the documents, charges are based upon the cost of lowed compensated employee.
7. MISILC may require partial payment in advance. If such advance payment is required, the time allowed for response stops running until the requestor responds.
8. Requested documents will be available in accessible formats.



## **RULES FOR MEETING PEACEFULLY**

Accommodations to these procedures should be arranged with the Chair.

1. Council Members will arrive on time for scheduled meeting.
2. The meeting chair will assure that the Council follows the agenda.
3. Anyone wishing to speak, must be recognized by the Chair.
4. In virtual meetings, the raise the hand function will be used. If you are unable to use the hand function, please raise your hand on the camera to be recognized by the Chair.
5. During virtual meetings, anyone speaking that is not recognized by the Chair, will be immediately muted on the call. Repeated instances may result in dismissal from the meeting.
6. Everyone's ideas will be heard.
7. One person will speak at a time.
8. Everyone will have an opportunity to be heard before anyone may speak for a second time.
9. Members will listen respectfully with the goal to understand the perspective of others.
10. Members will be encouraged to use "I" statements when speaking.
11. Conversations will focus on issue at hand, No side conversations.
12. If topics are raised not on the agenda, they will be ruled out of order, but will be considered for inclusion at the next meeting.
13. Cell phones will be silenced during meeting.
14. During virtual meetings, Council Members will turn on their camera if possible and will mute microphone when not speaking.
15. This list is not meant to be exclusive and can be added to or adjusted as needed.



## **REASONABLE ACCOMMODATIONS**

To ensure all Members of the public have the opportunity to participate in the MISILC Council business meetings, the MISILC will:

1. MISILC will publish notices of meetings in advance to its website in accordance with the Open Meetings Act.
2. MISILC will ensure that Communication Access Realtime Translation (CART) and Stream Text is available at all public meetings.
3. MISILC will publish meeting minutes to its website within 10 days of the meeting being held. MISILC will provide alternate formats of information, if requested, to guarantee access.
4. MISILC will provide reasonable accommodations upon request.
  - a. All reasonable accommodation requests must be made 7 days prior to the posted meeting time.
  - b. Requests can be made in writing, by phone, or email to the MISILC Operations Manager.



## **PUBLIC COMMENT**

It is the intent of the Michigan Statewide Independent Living Council (MISILC) that Council meetings be regulated as a limited public forum that is open to public comment relating to agenda items, Council decisions, and other matters of community interest as it relates to the Council.

The MISILC recognizes the value of public comment and the importance of allowing Members of the public to express themselves on matters pertaining to the Council and on matters of community interest. But, for the benefit of all, and in the interest of all, the following procedures on public comment shall apply at Council meetings as allowed by the Open Meetings Act.

The Council asserts that it has interests in promoting orderly and efficient administration of Council meetings and Council business, maintaining public peace at Council meetings, and ensuring that comments offered at Council meetings advances the Council's information-gathering and decision-making functions. This policy and its procedures are not intended to silence speech or prohibit expressive conduct.

1. Except for agenda items for which a public hearing is required by law or has otherwise been scheduled by the Council, public comment shall only occur at times specifically designated for public comment on the Council agenda. At minimum, one Public Comment Period will occur at each Council business meeting.
2. Decorum
  - a. Speakers shall deliver their public comments in a manner that is respectful to the public forum. No speaker shall engage in conduct that interferes with the Council's orderly and efficient administration of Council meetings, that is violent, or that can be reasonably perceived as violent, otherwise disturbs public peace, or is in violation with other applicable laws.
  - b. Public comment is only allowed during the designated public comment period and/or after being recognized by the Chair. Continued violations of this procedure, may result in a warning from the chair, muting phone in virtual meetings, or removal from the meeting.
  - c. Speakers shall not be deemed in violation of this policy and its procedures solely based on the content of their speech where their speech is protected by the First Amendment or other applicable laws.
3. *Recognition of Speakers*
  - a. *The Council Chair will ask all those wishing to speak to identify themselves at the start of the Public Comment Period.*
  - b. *Those representing a group are encouraged to designate one or more individuals to speak on their behalf to avoid cumulative comments.*



- c. Individuals wishing to participate in the Public Comment Period may address the Council after being recognized by the Council Chair.
    - d. At the start of a speaker's comment, the speaker should be identified for the record.
  4. The Public Comment Period is not designed to occur in a question and answer format. The Public Comment Period will, however, provide individuals with an opportunity to express their comments regarding any subject matter.
    - a. All comments shall be directed to the Council; no person may address or question Council Members individually.
    - b. The Council will not respond to comments made during the public comment period unless it becomes necessary to ask a clarifying question, correct a factual error, or provide specific factual information.
  5. The time limit during the Public Comment Period is five (5) minutes per speaker unless extended by agreement of the Council, subject to the following:
    - a. Timekeeper: The time shall be kept by the Operations Director or other designated personnel.
    - b. Time Expired or Completion of Comment: Each speaker will be notified when their Public Comment Period concludes.
  6. The Council Chair may interrupt, warn, or terminate an individual's presentation when the presentation exceeds five (5) minutes or is personally directed, abusive, obscene, or irrelevant.
  7. The Council Chair may request that any individual leave the meeting when that individual fails to observe reasonable decorum.
  8. This policy and its procedures may be enforced if the policy is violated or if an individual's public comment falls within the legal definition of obscenity, true threats, dangerous or inciting speech, or any other category of speech that is not afforded full First Amendment protections.
  9. The Council Chair shall have the power to enforce this policy and its procedures. The Council shall be authorized to review the Council Chair's enforcement decisions as provided by Robert's Rule of Order and/or any other applicable regulations or Council rules.