

IL T&TA

Independent Living
Training & Technical Assistance Center

Serving on the Board/Council

SILC Congress 2025

Orlando, FL

IL T&TA

Independent Living

Training & Technical Assistance Center

The IL Training & Technical Assistance Center is operated by the University of Montana's Rural Institute for Inclusive Communities (RIIC) and funded by the Office of Independent Living Programs, Administration on Disabilities, Administration for Community Living (ACL), to provide expert information, support, and training tailored for Centers for Independent Living (CILs), Statewide Independent Living Councils (SILCs), and Designated State Entities (DSEs) across the country.



What you will learn today

- ✓ **Clarify what the executive director does, what the board/council chair does, and the role of the full board/council.**
- ✓ **Apply Independent Living Philosophy in the composition and work of the SILC Board/Council.**
- ✓ **Provide SILC board members with the information they need to meet their responsibilities for overseeing the work of the SILC, but not overstepping.**

Your Presenters:



Sandra Breitengross Bitter,
Director of the Independent
Living Training and Technical
Assistance Center for
Independent Living



Paula McElwee, Director of
Technical Assistance at the
Independent Living Training
and Technical Assistance
Center for Independent Living

Challenges for CIL boards

- ✓ Understanding and promoting the IL philosophy
- ✓ Hiring and supervising the Executive Director
- ✓ Legal responsibilities
- ✓ Financial management responsibilities

Would you agree?

The IL Philosophy: Your Mission & Beyond

- Embody and put into practice **consumer control** - in your governance, in your day-to-day operations, and in your interactions in the community.
- In the case of the SILC, your council **must be made up of a majority (51% or more) of members who have a disability**, but do not work for either a CIL or the state.
- This assures **that it isn't run by professionals, but by consumers** who are living day-to-day life outside a CIL.
- You **operate based on your SPIL**, which should give evidence of advocacy and system change so that your state is **responsive to the IL Philosophy** in all its operations.

Ed Roberts: 1939-1995



“Disability is just a part of life. Anyone can join our group at any point in life. In this way, the disability rights movement doesn’t discriminate.”

“Disability is a strength.”

- The IL movement beginnings: **late ‘60s, early ‘70’s**
- Conceptualized by **Ed Roberts** of Berkeley CA as a **moral imperative, NOT a social services model.**

- A **few centers predated funding** through the Rehab Act, like the ones in Berkeley CA or Atlantis in CO. ***Do you know of others?***

Highlights from the story of Independent Living

- People with disabilities **need to be able to exert control over their own lives** and **decisions affecting their lives**.

- **Centers** were developed in the **early 80s and into the 90s as new funds became available** through the states and through the **Rehabilitation Act**. There has been **little recent expansion** of the number of CILs.



Highlights from the story of Independent Living (cont.)

The Rehabilitation Act

Title I – Vocational
Rehab Services

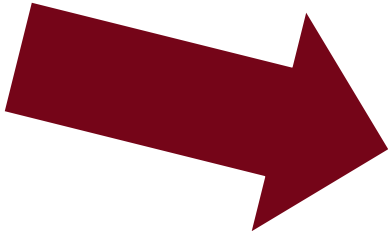
Title II – Research
& Training

Title III –
Professional
Development &
Special Projects

Title IV – Nat'l
Council on
Disabilities

Title V – Rights &
Advocacy

Title VI –
Employment
Opportunity



Title VII –
Independent
Living Services

The purpose of title VII (7) of the Act is to:

promote a philosophy of independent living (IL),
including a philosophy of :

Consumer Control	Peer Support
Self-Help	Self-Determination
Equal Access	Individual and Systems Advocacy

in order to maximize the:

leadership, empowerment, independence, and productivity of individuals with disabilities, and to promote the **integration and full inclusion** of individuals with disabilities into the **mainstream of American society...**

**There are also regulations:
45 CFR 1329.2
quotes the
Rehab Act's
Purpose for IL**

By funding the SILC and the CILs...

These principles bring us together

- Consumer control
- Peer support
- Self-help and self-determination
- Equal access Individual and system advocacy
- Maximizing leadership, empowerment, independence, and productivity of individuals with disabilities
- Integration and full inclusion of individuals with disabilities into the mainstream of American society

Promoting and Implementing the IL Philosophy: Your Mission & Beyond



Ensure mission and the resulting State Plan for Independent Living upholds the rights of individuals with disabilities to be fully and meaningfully engaged members of their communities.

IL is NOT about:

- Charity
- Saviorism
- Serving or helping the “needy,” “vulnerable,” “folks with special needs,” or the “voiceless.”

IL IS about:

Empowering peers to lead and control their lives.

What are your legal responsibilities?

- Criminal accountability of boards
- Civil accountability of boards
- Individual board member accountability/responsibility
- Risk Management
- Insurance

Legal Responsibilities of the Board & Board Members

- Board / Council Members = Mission Fulfillment & Organizational Integrity
 - Duty of Care
 - Duty of Loyalty
 - Duty of Obedience
- Executive Director / Other Staff = Day to Day Operations

Duty of Obedience

- Board members **must be true to the mission** of the SILC.
- Board members **must not act in a manner that is inconsistent** to the mission.
- Board members **must act in observance** of the **local, state and federal laws and regulations** that apply.

Duty of Loyalty

- This includes the principle that the **board members will make all decisions without personal conflict of interest.**

A failure to meet a duty of loyalty may result in payment of restitution.

Duty of Care

- Ensuring **no foreseeable physical harm** because of its work.
- Make **reasonable decisions based on facts** that will **ensure** there is **no negligence** on the part of the organization.
- Overseeing **financial accountability** to **ensure** that the **public funds received** are **treated with care**.

In order to perform your “Duty of Care” you need to understand a few things about federal funding...

Federal Regulations Regarding Finances

- Regulations are found in "**Uniform Guidance or 2 CFR 200**".
- These **regulations** outline the **allowability of federal spending**.
- **Costs** must be **necessary and reasonable**.
- **Some costs are specifically not allowed** under any circumstances (such as alcohol, bad debts or fines, most food).
- **Costs must be treated consistently** – you can't charge it to one program this month and a different one next month, if you have more than one funding source or program.
- As a board you will want a **financial review or audit annually** to assure funds are spent as you believe they were. **Auditors** are secured by and report to the council/board.

Operational Responsibilities



Purpose

Planning

Policies



Disability Input

Board Oversight
&
Responsibilities

Because the majority of board members have a significant disability you have disability input into these areas, but **you may also want to solicit input from the disability community**, especially into planning for the future.

Role of Executive Committee vs. Executive Session

- Any role other than the role of the full council **must be described** in policy and procedure.
- Because of the open meeting requirements, the **executive committee cannot operate independent of the council as a whole.**
- An “executive session” is defined in your state’s open meeting law, but **typically can allow closed meetings only for the discussion of a personnel or legal item.** The decision made there must be carried forward to the open meeting and voted on in open session.
- **IT IS NOT THE SAME AS THE EXECUTIVE COMMITTEE!** Your state may require that committee meetings are also open, including your officers or executive committee.



- Drafting the **agenda** with the Executive Director or other staff
- Reviewing **monthly financial statements** in between quarterly SILC meetings.

The Council May Delegate Specific Duties to the Chair

- **Approving** certain types or amounts of **expenditures**.
- **Approving** the **time documents of the ED**.
- **Evaluating** the performance of the **ED** in a one-to-one meeting.

Hiring/Supervising the Executive Director

Important Reminders for Recruiting and Hiring

- The Independent Living Movement is a **disability-led movement** created by us (individuals with significant disabilities) for us (individuals with significant disabilities).
- **While there are no requirements that you hire a SILC director who has a disability, think about this –**
 - **Disability representation in SILC executive leadership roles is crucial.** You are allowed to require that the SILC hire staff who have a disability.
 - The lived experience of parents, caregivers, guardians, siblings, advocates/allies, service providers, etc. with children, loved ones, and/or clients with disabilities **does NOT equate** to the lived experience of individuals with disabilities.
 - You are required to evaluate the performance of the Executive Director.

Hiring/Supervising the Executive Director

Recruting and Hiring Reminders Continued!

- Hire someone who **supports your mission** and **truly understands/embraces the IL Philosophy**.
- **Know your challenges** and recruit someone with the **capacity and expertise** to find **solutions**.
- Review the position description and make sure it reflects what you want **at this point in time**. (*Yes, your challenges may evolve and change.*)
- Determine the **job duties/responsibilities** and **equitable pay/ compensation** for the ED member.
- **Advertise within the IL movement**. (*Your membership organizations will assist with this, as will the T & TA Center.*)
- **Review the performance of the ED annually**. (*Typically, this is done by the chair or a committee of the council, not the full council, just to ensure open dialogue.*)

Financial / Fiscal Responsibilities

- Development or resource plan in the SPIL
- Annual budget process
- Accounting and auditing guidelines
- Allowability of costs
- Bank reconciliation
- Cash management
- Code of ethics including conflict of interest

Financial / Fiscal Responsibilities (cont.)

Your policies and procedures should address:

- What financial statements or reporting the council/board wants to see (often this comes from the DSE for the larger Part B grants, from your ED for the direct expenses of the SILC)
- Expenditure limits for staff (when is board prior approval required?)
- Internal controls (separation of duties)
- Inventory controls
- Procurement – processes and approvals
- Payroll and time/effort reporting
- Travel and operational expenses of ED

Conflicts of Interest

Board members and employees should avoid any activity, investment, or association that might interfere with or conflict with their judgment or duties.

- ✓ Conflicts of interest **must be disclosed** as soon as possible.
- ✓ Members **should immediately disqualify themselves** prior to discussion or voting on any matters where there is or even a possibility of a conflict of interest.
- ✓ The **policies and code of ethics should state** that members must reveal the conflict as soon as possible and **refrain from voting, discussing, or making decisions** related to the conflict.

Nepotism

- The council **should not hire a family member** of a board member.
- If a family member applies, we suggest the **council member should resign before** the individual can be considered.

Codes of Ethical Conduct

Your policies should include a code of ethics and standards of professional conduct for both your staff and council members. Standards expected could include:

- Acting professionally, competently and honorably.
- Fulfilling assigned duties.
- Complying with standards established in performance appraisals.
- Maintaining an acceptable level of performance and conduct on all verbal and written job duties.
- Using funds prudently.
- Reporting conditions and circumstances that may prevent the member from performing their duties effectively and safely.

The good, the bad, and the ugly!

When you're on the RIGHT track!

- **Diverse, inclusive, and equitable board composition beyond the minimum required standards** – reflective of voices and lived experience of most marginalized, representative of diverse experiences in your service area.
- **Respects / adheres to the delineation of duties** regarding the Executive Director and additional staff conducting day-to-day operations.

When you're on the WRONG track!

- **Tokenism** in board recruitment and composition.
- **Failure to provide members with meaningful training** so they understand and accomplish their role.
- **Lack of consumer control** (out of disability composition compliance).

When you're on the **RIGHT** track!

- High level of **meaningful engagement** by individuals with disabilities in SILC efforts, **especially in the development of the SPIL.**
- **Strong Code of Conduct/Ethics** (including sound conflict of interest policy/procedures).
- **Robust succession planning** for board members as well as the ED.
- The **board knows what is happening** at the high level of how public meetings occur, what the overall financial status is, and the role of the partners in accomplishing the SPIL.
- **Term limits** with a **required year off periodically** to ensure fresh ideas and representation on the board.

When you're on the **WRONG** track!

- Council **failing to receive and/or understand financial** statements.
- Financial statements **not connected back to the SPIL resource plan** and the required spending
- **Lack of consumer control** (out of disability composition compliance).
- Member taking a **public position criticizing** the organization.
- **Violating policies** regarding discrimination and sexual harassment or other forms of harassment.

How do you apply these and other regulations?

- ✓ Call Paula if you aren't sure, 1-406-243-5438 or paula.mcelwee@mso.umt.edu
- ✓ Or ask your Program Officer.

The Program Officers are assigned by federal region and are listed on the ACL website. Go to <https://acl.gov/programs/community-living-programs/office-independent-living-programs-contact-list> and look for your state.

Contact Information

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Evaluation Survey

Your feedback on this webinar is important to us. Please complete this brief evaluation survey. Here is the link:



https://umt.co1.qualtrics.com/jfe/form/SV_2sm0sYdqJ7hJQaO



Thank you on behalf of Independent Living Training and Technical Assistance Center for learning more today!

This project is on assignment through contract with the Administration on Disabilities, Administration for Community Living, Health and Human Services.

