

**Batterers Intervention Program Standards
Oversight Committee**

RULES OF PRACTICE AND PROCEDURE

*Adopted August 1998
Amended December 2007*

Batterers Intervention Program Standards Oversight Committee
Rules of Practice and Procedure

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Batterers Intervention Program Standards Oversight Committee

Rules of Practice and Procedure

INTRODUCTION

These rules of practice and procedure (“Rules”) are adopted pursuant to the Administrative Procedures Act (RIGL Title 42, Chapter 35) for the purpose of assisting the Batterers Intervention Program Standards Oversight Committee (“Committee”) in carrying out the functions, powers, and duties assigned to it by statutory authority (Domestic Violence Prevention Act, RIGL §12-29-5 and §12-29-5.1-3). Issues not addressed in these Rules or for which a party seeks clarification are to be considered in the context of RIGL Title 12, Chapter 29.

These Rules shall govern the conduct of business by the Batterers Intervention Program Standards Oversight Committee from the date of their adoption. All practices and procedures shall be conducted in accordance with the By-Laws of the Committee; additional Rules shall apply to specified situations. Should a question arise as to the precise interpretation of any of these Rules, the Rules shall be liberally construed to further the fair, prompt, and orderly administration of the Committee’s duties and decisions. To the extent that any part of these Rules is inconsistent with applicable law, the applicable law shall be deemed to apply.

STATUTORY AUTHORITY AND RESPONSIBILITIES

Section §12-29-5 of the Rhode Island General Laws requires that:

“Every person convicted of or placed on probation for a crime involving domestic violence or whose case is filed pursuant to Section §12-10-12 where the defendant pleads nolo contendere, in addition to any other sentence imposed or counseling ordered, shall be ordered by the judge to attend, at his or her own expense, a batterers intervention program appropriate to address his or her violent behavior.”

The statute goes on to define batterers intervention program as:

“... a program which is certified by the batterers intervention program standards oversight committee according to minimum standards, pursuant to §§ 12-29-5.1, 12-29-5.2, and 12-29-5.3.”

The Batterers Intervention Program Standards Oversight Committee was established and authorized in Section §12-29-5.1 of the Rhode Island General Laws. The Committee consists of thirteen (13) members to be appointed as follows:

- The Director of the Department of Corrections or his/her designee, who shall serve as chairperson of the Committee.
- The Director of the Governor’s Justice Commission [now Rhode Island Justice Commission] or his/her designee.
- The Executive Director of the Rhode Island Coalition Against Domestic Violence or his/her designee.

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- A representative from the law enforcement community appointed by the Chair [President] of the Rhode Island Police Chiefs Association.
- The Attorney General or his/her designee.
- The Director of Justice Assistance or his/her designee.
- A qualified elector of this State appointed by the Governor.
- The Director of the Domestic Violence Training and Monitoring Unit or his/her designee.
- The Chief Justice of the Supreme Court or his/her designee.
- The Director of the Department of Health or his/her designee.
- A representative of a batterers intervention program appointed by the Director of the Rhode Island Coalition Against Domestic Violence.
- The Chief Judge of the District Court or his/her designee.
- The Director of the Urban League of Rhode Island or his/her designee.

Section §12-29-5.2 of the statute has established the duties and responsibilities of the Committee as follows:

“(1) Establish and promulgate minimum standards for batterers intervention programs serving persons mandated pursuant to Section §12-29-5, revise the standards as is deemed necessary, and make the standards available to the public, provided that the standards shall include, but not be limited to, the following:

(i) Batterers intervention programs shall be conducted in the context of psycho-educational groups, i.e., groups of domestic violence perpetrators led by one or more professional group leaders trained and experienced in batterers intervention programming and conducted for the purposes of learning and enacting non-abusive behaviors through didactic instruction, interaction among participants and leaders, and teaching of skills within the groups;

(ii) The duration of batterers intervention programs shall be a minimum of forty (40) contact hours over the course of twenty (20) weeks;

(iii) Batterers intervention programs shall require that all mandated batterers pay fees for the programs in accordance with the provisions of Section §12-29-5; provided, that programs shall accommodate varying levels of ability to pay by means of sliding fee scales and may elect to offer alternatives to payment in the form of community service and/or deferred payment for a portion of the fees; and

(iv) Provisions shall be established defining the circumstances under which defendants who have attended a batterers program while incarcerated, and/or a batterers program in another jurisdiction which is certified under that jurisdiction's standards or not subject to standards in that jurisdiction, may request that their documented participation in such program be accepted in satisfaction of some portion of their obligation to attend forty (40) hours of a certified batterers intervention program.

(2) Monitor and review batterers intervention programs seeking certification with respect to compliance with such standards, including periodic on-site review;

(3) Certify those batterers intervention programs which are in compliance with the standards established pursuant to subdivision (1) of this subsection; and

(4) Investigate and decide appeals, complaints, requests for variances, and post-enrollment certification applications.”

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The Committee is authorized to establish and appoint such subcommittees, task forces, focus groups, and advisory committees as it deems necessary from time to time to carry out its duties; and the Committee shall promulgate its rules of procedure governing its operations in accordance with the Administrative Procedures Act, Chapter 35 of Title 42 of the Rhode Island General Laws (§ 12-29-5.3).

In the exercise of its authority and responsibilities, the Committee has adopted these Rules of Practice and Procedure to govern and guide its activities.

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SECTION I. BATTERERS PROGRAM CERTIFICATION

A. Provisional Certification

Definition:

Provisional certification is a time limited status granted to an agency that is not currently certified as a batterers program in the state of Rhode Island. The primary purpose is to enable an agency that has demonstrated certain qualifications to become eligible for court mandated referrals so the process of achieving comprehensive certification can be completed.

Description:

Agencies or individuals seeking to become provisionally certified as batterers intervention programs shall submit an application and accompanying documentation to the Review Subcommittee of the BIPSOC. Applications shall be screened and representatives of the Oversight Committee shall attempt to resolve any incomplete, unclear or inconsistent items. Programs must be able to demonstrate through detailed documentation that they are in compliance with the statutory program requirements and with standards related to curriculum, staff qualifications, group format, program fee structure, and other standards specified in the provisional certification application.

Only after the Oversight Committee has conferred an award of provisional certification shall the program become eligible to receive referrals and provide batterers intervention services to court mandated domestic violence offenders whose cases are adjudicated or filed in accordance with the terms of RIGL §12-29-5. During the interim period of provisional certification, the agency is expected to complete compliance with each of the Comprehensive Standards and to establish batterers groups, a sample of which the Review Subcommittee will then observe. On or before the expiration of provisional certification, and in order to qualify for comprehensive certification, the agency must demonstrate to the satisfaction of the Oversight Committee that it has met all of the Comprehensive Standards.

The Application Process:

1. Any interested person, agency or program can apply for provisional certification as a batterers intervention program for court mandated domestic violence offenders. Interested parties are encouraged to contact the Committee and to discuss certification requirements prior to submitting an application. Applications and information are available through the Committee Chair: Shelley Cortese, c/o RI Department of Corrections/ Adult Probation & Parole, Bernadette Building, 15 Fleming Road, Cranston, RI 02920; Telephone: (401) 462-1619; Fax: (401) 462-0164; email: shelley.cortese@doc.ri.gov; or through a successor designated by the Director of the Department of Corrections.

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2. Application for provisional certification consists of a completed application form signed by the program director or other authorized official and specified documents sufficient to demonstrate compliance with standards related to curriculum, staff qualifications, group format, program fee structure, and others as requested.

Documents to be submitted as part of the application package shall include but are not limited to the following items:

a. Facilitator Qualifications forms for each proposed Facilitator, Facilitator Trainee, and/or Student Intern Facilitator; and/or a detailed written plan to recruit qualified staff.

b. Supervisor Qualifications forms for each proposed Supervisor of Facilitators, Facilitator Trainees, and/or Student Intern Facilitators; and/or a detailed written plan to recruit qualified staff.

Note: If an individual will be both a Facilitator and a Supervisor, both sets of forms must be completed.

c. A complete copy of the proposed curriculum with lesson plans, assignments, and handouts; modifications or alternate curriculum, if any, for special populations.

d. A copy of the proposed client service contract.

e. A copy of proposed rules for group participants.

f. A copy of proposed client notice of the limits of confidentiality, noting exchange of information with referral source(s) and reporting of dangerous, threatening, or illegal behavior.

g. A proposed schedule of intake and session fees; means of accommodating clients with varying ability to pay fees; sample fee agreement (if separate from the service contract); and any program policies and procedures regarding payment arrangements, fee adjustments, or alternative forms of compensation.

h. Documentation of the proposed group format, including at a minimum a description of the group psycho-educational approach; number and duration of sessions in a given program cycle; group size range; schedule of proposed group sessions with times and locations, and special populations as appropriate (e.g. groups for particular gender, cultural identity, language, or other population).

i. Copies of sample forms or document formats proposed as part of client records.

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- j. Listing of administrators, managers, directors, and/or owners associated with the proposed batterers intervention program.
3. The application package shall be submitted to the Oversight Committee Chair, who shall forward all materials to the Review Subcommittee. Generally two (2) or more members of the Review Subcommittee shall be identified as primary reviewers for each particular program. The Review Subcommittee shall screen the applications in detail and shall contact the designated point person for the applicant agency. Every effort shall be made to resolve incomplete, unclear or inconsistent information and to secure missing documentation for each of the areas required for provisional certification. Usually, the Review Subcommittee shall refer the matter to the Oversight Committee upon a preliminary determination that an applicant agency has met the requirements for provisional certification, or for guidance in a persistently problematic situation.
4. The Review Subcommittee shall report to the Oversight Committee at the regularly scheduled Committee meetings on the status of pending applications. A detailed summary shall be provided for any agency for which the Review Subcommittee has made a preliminary finding of having met the requirements for provisional certification.
5. The Review Subcommittee shall have the full application package available at the Oversight Committee meeting for each program whose certification application is being considered at that meeting. Committee members shall have the opportunity to review the application and supporting documents, if desired. Any duly authorized representative of the agency shall have the opportunity to present information, respond to questions, or describe aspects of the program, if desired.
6. In the event that any agency's application process becomes mired in persistently unresolved issues related to any agency's application or differences of opinion among Review Subcommittee members and/or between Subcommittee members and representatives of the agency, such issues shall be presented to the Oversight Committee. The referral to the Oversight Committee may be initiated by the Review Subcommittee or upon request of the applicant agency, after a reasonable effort to resolve the matter within the Subcommittee. Notice of the meeting shall be provided to such agency or individual, who shall be encouraged to attend. Members of the Oversight Committee may request additional information, offer suggestions, refer the matter back to the Review Subcommittee, or make decisions respecting the pending application process.
7. While the Review Subcommittee handles most of the preliminary preparation with the prospective programs, final decision-making authority rests with the Oversight Committee.

Denial of Provisional Certification:

1. Upon determination by the Oversight Committee that an applicant agency or individual has not satisfactorily demonstrated compliance with the indicated standards

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(or has not presented a well-developed written plan for program components not yet in place, such as recruitment of qualified staff), the Oversight Committee is empowered to deny provisional certification, with or without a referral back to the Review Subcommittee for continued work with the agency. Any denial of provisional certification shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

2. Within five (5) business days following an affirmative vote to deny provisional certification for any program, the Committee shall send written notice of the decision to the designated contact person at the agency by certified mail, return receipt requested. The notice shall include a statement of the basis for the decision.

3. An agency or individual denied provisional certification through this process shall be eligible to reapply for provisional certification or resubmit a revised application after a minimum of sixty (60) days from the date of denial. Review Subcommittee members shall continue to work with such a program toward provisional certification, subject to availability of Subcommittee members and program request.

Awarding of Provisional Certification:

1. Upon determination by the Oversight Committee that an applicant agency or individual has satisfactorily demonstrated compliance with the indicated standards (or has presented a well-developed written for program components not yet in place, such as recruitment of qualified staff), the Oversight Committee is empowered to award provisional certification. Such award shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

2. Within five (5) business days following an affirmative vote to award provisional certification to any program, the Committee shall send written notice of the decision to the designated contact person at the program. Within thirty days (30) the Committee shall also notify and/or enable the provisionally certified program to notify likely referral sources that the program has been certified as being eligible to receive referrals of domestic violence offenders for court mandated batterers intervention. To enable the program to make such notification, the Committee may provide business contact information from willing referral sources.

3. The award of provisional certification is based on the Committee's review of the program and documentation demonstrating that it meets the requirements for a batterers intervention program that serves court mandated domestic violence offenders, including standards related to curriculum, staff and supervisor qualifications, group format, program fee structure, and others as indicated. The Committee reserves the right to verify compliance through requesting in-person appearance by program principals before the Committee, additional documentation, on-site program review including group session observation, and/or other means.

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4. Programs that have been granted provisional certification shall have six (6) months from the time that provisional certification is conferred to complete compliance with each of the Comprehensive Standards in order to qualify for comprehensive certification, including satisfactory conduct of batterers intervention groups as determined through observation of a sample of actual group sessions by committee representatives [*See Comprehensive Certification*].

5. During the period of provisional certification, the program shall be responsible to notify the Review Subcommittee when groups are in operation, and to plan for on-site observations of group sessions and other on-site program review in order to complete requirements for comprehensive certification.

SECTION I. BATTERERS PROGRAM CERTIFICATION

B. Comprehensive Certification

Definition:

Comprehensive certification is the process by which batterers intervention programs are certified by the Batterers Intervention Program Standards Oversight Committee as being in compliance with each of the Batterers Intervention Program Comprehensive Standards for programs that provide services to court mandated domestic violence offenders. Certification is based upon representations by the program, with review of documentation and verification of a sample of selected standards by representatives of the Oversight Committee. Comprehensive certification status is awarded for two (2) years, and is subject to review for renewal at two (2) year intervals, or other time period specified by the Oversight Committee [*see Renewed Comprehensive Certification*].

Description:

Agencies or individuals seeking comprehensive certification as batterers intervention programs shall submit an application and accompanying documentation to the Review Subcommittee of the BIPSOC; or shall supplement and update as needed the application and documents submitted as part of an immediately preceding provisional certification process. Applications shall be screened and representatives of the Oversight Committee shall attempt to resolve any incomplete, unclear or inconsistent items. Following a detailed review of submitted documents, the Review Subcommittee shall conduct on-site visits to observe the facilitation of sample batterers groups and to review additional program features. As a result of the comprehensive certification application process programs shall be expected to demonstrate and affirm that they are in compliance with each of the Batterers Intervention Program Comprehensive Standards.

The Application Process:

1. Any interested person, agency or program can apply for comprehensive certification as a batterers intervention program for court mandated domestic violence offenders.

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Application forms and information are available through the Committee Chair: Shelley Cortese, c/o RI Department of Corrections/ Adult Probation & Parole, Bernadette Building, 15 Fleming Road, Cranston, RI 02920; Telephone: (401) 462-1619; Fax: (401) 462-0164; email: shelley.cortese@doc.ri.gov; or through a successor designated by the Director of the Department of Corrections.

2. For programs that do not currently have comprehensive certification status in Rhode Island as batterers intervention programs, the process generally begins with applying for provisional certification in order to become eligible for referrals of court mandated clients and to establish groups [see *Provisional Certification*; see also *Exceptions to Provisional Certification*]. Programs that have been awarded provisional certification shall have six (6) months from the time that provisional certification is conferred to complete compliance with each of the Batterers Intervention Program Comprehensive Standards in order to qualify for comprehensive certification, including satisfactory conduct of batterers intervention groups, as determined through observation of a sampling of actual group sessions by Committee representatives.

3. Application for comprehensive certification consists of a completed application form signed by the program director or other authorized official, and specified documents sufficient to demonstrate compliance with each of the Comprehensive Standards. Documents previously submitted as part of the provisional certification application should be updated and/or supplemented by the program as appropriate.

Documents to be submitted and/or updated as part of the application package shall include but are not limited to the following:

- a. Facilitator Qualifications forms for each Facilitator, Facilitator Trainee, and/or Student Intern Facilitator; and supplemental forms, as applicable, to update training records.
- b. Supervisor Qualifications forms for each Supervisor of Facilitators, Facilitator Trainees, and/or Student Intern Facilitators; and supplemental forms, as applicable, to update training records for Supervisors.

Note: If an individual is both a Facilitator and a Supervisor, both sets of forms must be completed.

- c. A complete copy of the curriculum with lesson plans, assignments, and handouts; modifications or alternate curriculum, if any, for special populations.
- d. A copy of the client service contract.
- e. A copy of rules for group participants.

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- f. A copy of client notice of the limits of confidentiality, noting exchange of information with referral source(s) and reporting of dangerous, threatening, or illegal behavior.
 - g. A schedule of intake and session fees; means of accommodating clients with varying ability to pay fees; sample fee agreement (if separate from the service contract); and any program policies and procedures regarding payment arrangements, fee adjustments, or alternative forms of compensation.
 - h. Documentation of the group format, including at a minimum a description of the group psycho-educational approach; number and duration of sessions in a given program cycle; group size range; schedule of group sessions with times and locations, and special populations as appropriate (e.g. groups for particular gender, cultural identity, language, or other population).
 - i. Copies of sample forms or document formats maintained as part of client records.
 - j. Listing of administrators, managers, directors, and/or owners associated with the batterers intervention program.
4. During the period of provisional certification, the program shall be expected to secure the employment of qualified facilitator(s) and supervisor(s), if not already in place; to make its services known to referral sources, and seek referrals of court mandated batterers; and to establish batterers groups.
5. Once a provisionally certified program has established groups and completed any other outstanding requirements, the program representative shall notify the Review Subcommittee and plan for on-site observations of group sessions and other on-site program review. For each applicant program, Review Subcommittee members, usually in teams of two (2), shall attend and observe two (2) or more sessions of a particular group, preferably observing the same facilitator(s). For programs that offer seven (7) or more separate groups per week, observers shall attend and observe a minimum of two (2) sessions for each of two (2) separate groups, as scheduling permits. Any facilitator(s) leading groups on behalf of a program shall be eligible for selection by the Review Subcommittee for observation.
6. Applicant programs shall be expected to provide reasonable access for on-site monitoring. Observers shall provide reasonable notice and flexibility in scheduling visits. When making on-site visits, observers shall identify themselves to program staff and group members, shall conduct themselves in a professional manner, and shall minimize disruption of program functions. Confidentiality shall be maintained concerning any personal client or staff information encountered. Group observation visits shall be explained as being for the purpose of monitoring the program and group facilitation, not the group participants. Apart from the introductory explanation, observers shall not

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participate in the group process. Discussion between facilitators and the observers shall be deferred to non-group time.

7. Additional on-site program review may include requests by Review Subcommittee members to review client records, supervision records, training records, program policies, complaint logs, and/or other program features for the purpose of monitoring compliance with the Comprehensive Standards.

8. Review Subcommittee observers shall subsequently confer as appropriate with other Subcommittee members with respect to their observations, comparing notes and weighing the significance of positive group facilitation as well as potentially problematic issues. They shall report back to the program director or designated contact person on the nature of their group observations, specifically as related to compliance or non-compliance with the Comprehensive Standards. Subcommittee members may also contact designated program staff to ask questions, seek clarification, or request additional information to help provide a fuller context for observations. Comments related to observations shall be specific and tangible, and shall include reference to related Standards. Observers shall recognize that the group process is highly complex. Limitations in the group observation process shall be considered: for instance, any given group session observation will provide an opportunity to review only a portion of how a few standards are implemented. The observation and feedback process is intended to assist program directors and staff to provide the best services possible, to maintain basic quality control consistent with the standards, and to work to improve potential weaknesses. Therefore, while programs must meet a basic level of competence and compliance with the Standards in order to be certified, every effort shall be made to manage the observation process as an opportunity for support and growth, constructive criticism, and quality improvement.

9. Within the six (6) month period of provisional certification, it is expected that the program and Review Subcommittee shall work cooperatively, with the objective of ensuring full compliance with the Batterers Intervention Program Comprehensive Standards. To the extent feasible, Review Subcommittee members shall provide constructive feedback to assist the program to correct non-compliance. In some cases, this may result in Review Subcommittee members requesting additional group observation visits, suggesting staff training or supervision topics, asking for modification of program documents, and/or proposing other adjustments to the operation of the program. On or before expiration of provision certification (or extension, if applicable, as described below), the program is responsible for demonstrating and/or affirming compliance with each of the Comprehensive Standards to the satisfaction of the Oversight Committee.

10. In advance of the Oversight Committee meeting at which certification status of a given program will be considered (generally the meeting on or shortly before the expiration date of the current provisional certification), the Review Subcommittee shall discuss with the program representative the preliminary findings as to compliance (and

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non-compliance) with the Comprehensive Standards, and anticipated recommendations. The program representative shall be offered the opportunity to prepare a response for presentation to the Oversight Committee, if desired.

11. A summary report describing the review process and preliminary findings shall be prepared by the Review Subcommittee and presented to the Oversight Committee, usually with recommendations regarding comprehensive certification. The full application package shall be available at the Oversight Committee meeting for review by members, if needed. Any duly authorized representative of the applicant program shall have the opportunity to present information, respond to questions, or describe aspects of the program, if desired.

12. While the Review Subcommittee handles most of the preliminary preparation with the applicant programs, final decision-making authority rests with the Oversight Committee.

Denial of Comprehensive Certification:

1. If a provisionally certified program has been unable to demonstrate satisfactorily having met all of the requirements for comprehensive certification within the six (6) month timeframe, the Oversight Committee is empowered to deny comprehensive certification. Any denial of comprehensive certification shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

2. Within five (5) business days following an affirmative vote to deny a program's application for comprehensive certification, the Oversight Committee shall send written notice of the decision to the designated contact person at the agency by certified mail, return receipt requested. The notice shall include a statement of the basis for the decision. The Oversight Committee shall also notify likely referral sources that the program is no longer certified as being eligible to receive referrals of domestic violence offenders for court mandated batterers intervention, unless an extension of provisional certification has been granted, as described below.

3. An agency or individual denied comprehensive certification through this process may be eligible to apply for an extension of provisional certification, as described below; or to reapply for provisional certification (or submit a revised application) after a minimum of sixty (60) days from the date of denial.

Request for Extension of Provisional Certification:

1. If a provisionally certified program has been unable to meet all of the requirements for comprehensive certification with the six (6) month time frame, and has been informed of such preliminary findings by the Review Subcommittee, the program may request an extension of provisional certification by submitting a request in writing to the Oversight Committee on or before the expiration of provisional certification. As part of the request, the program shall include a detailed, formal plan of action to address all

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identified areas of non-compliance with the Comprehensive Standards. The plan of action must specify the nature of the deficiency, with reference to all standards involved; the plan to correct the deficiency; the person(s) responsible for implementing the changes; the date of projected readiness; and how compliance can be verified. Information shall be specific and detailed.

2. Any such request for extension of provisional certification shall be carefully reviewed on a case-by-case basis by the Oversight Committee, with consideration given to potential impact on victim safety, offender accountability, and continuity of services. A decision with respect to a request for extension shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

3. Within five (5) business days following an affirmative vote to deny an extension of provisional certification, the Oversight Committee shall send written notice of the decision to the designated contact person at the agency by certified mail, return receipt requested. The notice shall include a statement of the basis for the decision. The Oversight Committee shall also notify likely referral sources that the program is no longer certified as being eligible to receive referrals of domestic violence offenders for court mandated batterers intervention.

4. An affirmative vote to grant an extension shall be accompanied by formal note for the record of the program's plan of action, and shall be granted for no longer than six (6) months additional time beyond the expiration date of the initial provisional certification. The Review Subcommittee shall continue to work with such a program during the period of extended provisional certification in a manner similar to that described above in Provisional Certification, subject to availability of members.

Awarding of Comprehensive Certification:

1. Upon determination by the Oversight Committee that an applicant agency or individual has satisfactorily demonstrated compliance with each of the Batterers Intervention Program Comprehensive Standards, the Oversight Committee is empowered to award comprehensive certification. Such award shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

2. The award of comprehensive certification is based on the representations of the applicant agency that it meets each of the Batterers Intervention Program Comprehensive Standards for an agency that provides batterers intervention services to court mandated offenders, along with verification of a sample of selected standards by the Oversight Committee. The Oversight Committee reserves the right to conduct ongoing monitoring, review and re-certification in accordance with established procedures.

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3. Comprehensive certification as a batterers intervention program shall remain in effect for two (2) years from the date of award, or for other time period specified by the Committee; provided, however, that if the Committee shall confirm that a certified program is not in compliance with the comprehensive standards, the Oversight Committee shall reserve the right to revoke or suspend certification.

4. In the event that the Committee is unable to vote on the certification status of a program due to lack of quorum or other circumstance not related to the program's qualifications, the existing provisional certification status shall remain in full force and effect until such time as the Committee is able to conduct a vote in accordance with the By Laws.

SECTION I. BATTERERS PROGRAM CERTIFICATION

C. Renewed Comprehensive Certification

Definition:

Renewed comprehensive certification is the process by which comprehensively certified batterers intervention programs in Rhode Island seek to renew their certification status. This is based upon a cooperative process between the program and the Batterers Intervention Program Standards Oversight Committee to affirm the program as being in compliance with each of the Batterers Intervention Program Comprehensive Standards for programs that provide services to court mandated domestic violence offenders. Renewed comprehensive certification is based upon representations by the program, with review of documentation and verification of a sample of selected standards by representatives of the Oversight Committee, including on-site observations of batterers intervention groups. Comprehensive certification status needs to be renewed at two (2) year intervals, or other time period as specified by the Committee.

Description:

Programs, agencies or individuals that currently have comprehensive certification in Rhode Island as batterers intervention programs are generally eligible to apply for renewed comprehensive certification. The process, comparable to that described above for comprehensive certification, involves submitting an application and accompanying documentation to the Review Subcommittee of the BIPSOC. Applications shall be screened and representatives of the Oversight Committee shall attempt to resolve any incomplete, unclear or inconsistent items. Following a detailed review of submitted documents, the Review Subcommittee shall conduct on-site visits to observe the facilitation of sample batterers groups and to review additional program features. As a result of the renewed comprehensive certification application process programs shall be expected to demonstrate and affirm that they are in compliance with each of the Batterers Intervention Program Comprehensive Standards.

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The Application Process:

1. Any person, agency or program that currently has comprehensive certification status in Rhode Island as a batterers intervention program for court mandated domestic violence offenders may apply for renewed comprehensive certification. The program shall be responsible for tracking the anticipated expiration date of comprehensive certification, and for submitting the required application forms and accompanying documents a minimum of three (3) months prior to the expiration date in order to avoid a lapse in certification status. Applications and information are available through the Committee Chair: Shelley Cortese, c/o RI Department of Corrections/ Adult Probation & Parole, Bernadette Building, 15 Fleming Road, Cranston, RI 02920; Telephone: (401) 462-1619; Fax: (401) 462-0164; email: shelley.cortese@doc.ri.gov; or through a successor designated by the Director of the Department of Corrections.

2. The application for renewed comprehensive certification consists of a completed application form signed by the program director or other authorized official, and specified documents sufficient to demonstrate compliance with each of the Comprehensive Standards. Documents may have been submitted in a previous certification process, but must be resubmitted in whole when requesting renewed comprehensive certification.

Documents to be submitted as part of the application package shall include but are not limited to the following items:

- a. Facilitator Qualifications forms for each Facilitator, Facilitator Trainee, and/or Student Intern Facilitator; and supplemental forms, as applicable, to update training records.

- b. Supervisor Qualifications forms for each Supervisor of Facilitators, Facilitator Trainees, and/or Student Intern Facilitators; and supplemental forms, as applicable, to update training records for Supervisors.

Note: If an individual is both a Facilitator and a Supervisor, both sets of forms must be completed.

- c. A complete copy of the curriculum with lesson plans, assignments, and handouts; modifications or alternate curriculum, if any, for special populations.

- d. A copy of the client service contract.

- e. A copy of rules for group participants.

- f. A copy of client notice of the limits of confidentiality, noting exchange of information with referral source(s) and reporting of dangerous, threatening, or illegal behavior.

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- g. A schedule of intake and session fees; means of accommodating clients with varying ability to pay fees; sample fee agreement (if separate from the service contract); and any program policies and procedures regarding payment arrangements, fee adjustments, or alternative forms of compensation.
 - h. Documentation of the group format, including at a minimum a description of the group psycho-educational approach; number and duration of sessions in a given program cycle; group size range; schedule of group sessions with times and locations, and special populations as appropriate (e.g. groups for particular gender, cultural identity, language, or other population).
 - i. Copies of sample forms or document formats maintained as part of client records.
 - j. Listing of administrators, managers, directors, and/or owners associated with the batterers intervention program.
3. The application package shall be submitted to the Oversight Committee Chair or designee, who shall forward all materials to the Review Subcommittee. Generally two (2) or more members of the Review Subcommittee shall be identified as primary reviewers for each particular program. The Review Subcommittee shall screen the applications in detail and shall contact the designated point person for the applicant agency. Every effort shall be made to resolve incomplete, unclear or inconsistent information and to secure missing documentation for each of the required areas.
4. Once a comprehensively certified program has completed most or all of the documentation required for renewal and has completed any other outstanding requirements, the Review Subcommittee and the program representative shall plan for on-site observations of group sessions and other on-site program review. For each applicant program, Review Subcommittee members, usually in teams of two (2), shall attend and observe two (2) or more sessions of a particular group, preferably observing the same facilitator(s). For programs that offer seven (7) or more separate groups per week, observers shall attend and observe a minimum of two (2) sessions for each of two (2) separate groups, as scheduling permits. Any facilitator(s) leading groups on behalf of a program shall be eligible for selection by the Review Subcommittee for observation.
5. Applicant programs shall be expected to provide reasonable access for on-site monitoring. Observers shall provide reasonable notice and flexibility in scheduling visits. When making on-site visits, observers shall identify themselves to program staff and group members, shall conduct themselves in a professional manner, and shall minimize disruption of program functions. Confidentiality shall be maintained concerning any personal client or staff information encountered. Group observation visits shall be explained as being for the purpose of monitoring group facilitation, not the group participants. Apart from the introductory explanation, observers shall not participate in

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the group process. Discussion between facilitators and the observers shall be deferred to non-group time.

6. Additional on-site program review may include requests by Review Subcommittee members to review client records, supervision records, training records, program policies, complaint logs, and/or other program features for the purpose of monitoring compliance with the Comprehensive Standards.

7. Review Subcommittee observers shall subsequently confer as appropriate with other Subcommittee members with respect to their observations, comparing notes and weighing the significance of positive group facilitation as well as potentially problematic issues. They shall report back to the program director or designated contact person on the nature of their group observations, specifically as related to compliance or non-compliance with the Comprehensive Standards. Subcommittee members may also contact designated program staff to ask questions, seek clarification, or request additional information to help provide a fuller context for observations. Comments related to observations shall be specific and tangible, and shall include reference to related Standards. Observers shall recognize that the group process is highly complex. Limitations in the group observation process shall be considered: for instance, any given group session observation will provide an opportunity to review only a portion of how a few standards are implemented. The observation and feedback process is intended to assist program directors and staff to provide the best services possible, to maintain basic quality control, and to work to improve potential weaknesses. Therefore, while programs must meet a basic level of competence and compliance with the Standards in order to renew certification, every effort shall be made to manage the observation process as an opportunity for support and growth, constructive criticism, and quality improvement.

8. Within the three (3) month period of review for renewed comprehensive certification, it is expected that the program and Review Subcommittee shall work cooperatively, with the objective of ensuring full compliance with the Batterers Intervention Program Comprehensive Standards. To the extent feasible, Review Subcommittee members shall provide constructive feedback to assist the program to correct non-compliance. In some cases, this may result in Review Subcommittee members requesting additional group observation visits, suggesting staff training or supervision topics, asking for modification of program documents, and/or proposing other adjustments to the operation of the program. On or before expiration of the current comprehensive certification (or extension, if applicable, as described below), the program is responsible for demonstrating and/or affirming compliance with each of the Comprehensive Standards to the satisfaction of the Oversight Committee.

9. In advance of the Oversight Committee meeting at which certification status of a given program will be considered (generally the meeting on or shortly before the expiration date of the current comprehensive certification), the Review Subcommittee shall discuss with the program representative the preliminary findings as to compliance

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(and non-compliance) with the Comprehensive Standards, and anticipated recommendations. The program representative shall be offered the opportunity to prepare a response for presentation to the Oversight Committee, if desired.

10. A summary report describing the review process and preliminary findings shall be prepared by the Review Subcommittee and presented to the Oversight Committee, usually with recommendations regarding renewed comprehensive certification. The full application package shall be available at the Oversight Committee meeting for review by members, if needed. Any duly authorized representative of the applicant program shall have the opportunity to present information, respond to questions, or describe aspects of the program, if desired.

11. While the Review Subcommittee handles most of the preliminary preparation with the applicant programs, final decision-making authority rests with the Oversight Committee.

Denial of Renewed Comprehensive Certification:

1. If a comprehensively certified program has been unable to demonstrate satisfactorily having met all of the requirements for renewed comprehensive certification within the three (3) month timeframe, the Oversight Committee is empowered to deny renewal of comprehensive certification. Any denial of renewed certification shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

2. Within five (5) business days following an affirmative vote to deny a program's application for renewed comprehensive certification, the Oversight Committee shall send written notice of the decision to the designated contact person at the agency by certified mail, return receipt requested. The notice shall include a statement of the basis for the decision. The Oversight Committee shall also notify likely referral sources that the program is no longer certified as being eligible to receive referrals of domestic violence offenders for court mandated batterers intervention, unless an extension of comprehensive certification has been granted, as described below.

3. An agency or individual denied renewed comprehensive certification through this process may be eligible to apply for an extension of existing comprehensive certification, or to request provisional certification under certain circumstances, as described below.

Request for Extension of Comprehensive Certification:

1. If a comprehensively certified program has been unable to meet all of the requirements for renewed comprehensive certification within the three (3) month review timeframe and has been informed of such preliminary findings by the Review Subcommittee, the program may request an extension of existing comprehensive certification by submitting a request in writing to the Oversight Committee on or before the expiration of the current certification. As part of the request, the program shall

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include a detailed plan of action to address all identified areas of non-compliance with the Comprehensive Standards. The plan of action must specify the nature of the deficiency, with reference to all standards involved; the plan to correct the deficiency; the person(s) responsible for implementing the changes; the date of projected readiness; and how compliance can be verified. Information shall be specific and detailed.

2. Any such request for extension of comprehensive certification shall be carefully reviewed on a case-by-case basis by the Oversight Committee, with consideration given to potential impact on victim safety, offender accountability, and continuity of services. A decision with respect to a request for extension shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

3. Within five (5) business days following an affirmative vote to deny an extension of existing comprehensive certification, the Oversight Committee shall send written notice of the decision to the designated contact person at the agency by certified mail, return receipt requested. The notice shall include a statement of the basis for the decision. The Oversight Committee shall also notify likely referral sources that the program is no longer certified as being eligible to receive referrals of domestic violence offenders for court mandated batterers intervention.

4. An affirmative vote to grant an extension shall be accompanied by formal note for the record of the program's plan of action, and shall be granted for no longer than two (2) months additional time beyond the expiration date of the current comprehensive certification, or until the date of the next Oversight Committee, whichever is later. The Review Subcommittee shall continue to work with such a program during the period of extended comprehensive certification in a manner similar to that described above, subject to availability of members.

5. Further extension of comprehensive certification, if requested, must be justified in a detailed plan of action provided by the program, with a full and reasonable explanation as to why the needed adjustments have not been made to date. The Oversight Committee shall carefully review each such request on a case-by-case basis, with consideration given to potential impact on victim safety, offender accountability, as well as program accountability. A decision with respect to a request for any additional extension shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations. Notice shall be provided to the program representative as indicated above.

Request for Provisional Certification:

1. If a comprehensively certified program has met all of the requirements for renewed comprehensive certification within the three (3) month review timeframe except successful completion of group observations due to lack of required staffing and/or insufficient client referrals, the program may request provisional certification status by

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submitting a request in writing to the Oversight Committee on or before the expiration of the current certification. This would enable the program to remain eligible to receive referrals of court mandated batterers. As part of the request, the program shall include a detailed plan of action to indicate how the insufficiency of staffing and/or client referrals will be addressed. The plan of action must specify the nature of the deficiency, with reference to all standards involved; the plan to correct the deficiency; the person(s) responsible for implementing the changes; the date of projected readiness; and how compliance can be verified. Information shall be specific and detailed.

2. Any such request for provisional certification under these circumstances shall be carefully reviewed on a case-by-case basis by the Oversight Committee. Since the program must have provided required documents as part of the renewal application, and since the program will already have established a track record (having been awarded comprehensive certification within the past two [2] years), the program is likely to qualify for a grant of provisional certification. Consideration shall be given to potential impact on victim safety, offender accountability, and continuity of services. A decision with respect to such a request shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

3. Within five (5) business days following an affirmative vote to deny provisional certification to a comprehensively certified program, the Oversight Committee shall send written notice of the decision to the designated contact person at the agency by certified mail, return receipt requested. The notice shall include a statement of the basis for the decision. The Oversight Committee shall also notify likely referral sources that the program is no longer certified as being eligible to receive referrals of domestic violence offenders for court mandated batterers intervention.

4. An affirmative vote to grant provisional certification to a comprehensively certified program shall be accompanied by formal note for the record of the program's plan of action, and shall be granted for no longer than six (6) months after the date of the award. The Review Subcommittee shall continue to work with such a program during the period of provisional certification in a manner similar to that described above, subject to availability of members.

Awarding of Renewed Comprehensive Certification:

1. Upon determination by the Oversight Committee that an applicant agency or individual has satisfactorily demonstrated compliance with each of the Batterers Intervention Program Comprehensive Standards, the Oversight Committee is empowered to award renewed comprehensive certification. Such award shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

2. The renewal of comprehensive certification is based on the representations of the applicant agency that it meets each of the Batterers Intervention Program Comprehensive Standards for an agency that provides batterers intervention services to

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court mandated offenders, along with verification of a sample of selected standards by the Oversight Committee. The Oversight Committee reserves the right to conduct ongoing monitoring, review and re-certification in accordance with established procedures.

3. Renewed comprehensive certification as a batterers intervention program shall remain in effect for two (2) years from the date of award, or for other time period specified by the Committee; provided, however, that if the Committee shall confirm that a certified program is not in compliance with the comprehensive standards, the Oversight Committee shall reserve the right to revoke or suspend certification.

4. In the event that the Committee is unable to vote on the certification status of a program due to lack of quorum or other circumstance not related to the program's qualifications, the existing provisional certification status shall remain in full force and effect until such time as the Committee is able to conduct a vote in accordance with the By Laws.

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SECTION II. CERTIFICATION/ OTHER CIRCUMSTANCES

A. Exceptions to Provisional Certification

While the certification process for programs not currently certified usually begins with provisional certification, exceptions may apply when a program already has active batterers groups running. Circumstances include (but may not be limited to) the following:

1. Programs in continuous operation from prior to adoption of the Batterers Intervention Program Comprehensive Standards through their full scale implementation were eligible to apply directly for “initial” certification, a status that is no longer in effect but which was similar to comprehensive certification.
2. Programs in operation as batterers intervention programs in another jurisdiction may be eligible to apply directly for comprehensive certification if courtesy supervision is not applicable [*see Courtesy Certification*] and if the programs affirm that they meet the statutory requirements for certification in Rhode Island.
3. Agencies or programs that are not currently certified in Rhode Island to provide batterers intervention may be eligible to apply for post-enrollment certification, which is similar to provisional certification [*see Post-Enrollment Certification*].

SECTION II. CERTIFICATION/ OTHER CIRCUMSTANCES

B. Post-Enrollment Certification

Definition:

Post-enrollment certification applications are defined in RIGL §12-29-5.2 (d), as those applications made to the Committee by a batterer mandated to attend a certified batterers intervention program in accordance with RIGL §12-29-5 who has, prior to adjudication, enrolled in a program not certified by the Committee.

Description:

The procedures for post-enrollment certification application and review by the Committee are similar to the procedures outlined above for provisional certification. Qualification for post-enrollment certification shall be based upon the applicant program demonstrating through detailed documentation that it is in compliance with standards related to curriculum, staff and supervisor qualifications, group format, program fee structure, and other standards specified in the provisional certification application. Once awarded post-enrollment certification, a program becomes eligible to accept referrals of additional court mandated domestic violence offenders, and becomes subject to review for comprehensive certification within six (6) months.

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The Application Process:

1. Any interested person, agency or program not currently certified in Rhode Island as a batterers intervention program can apply for post-enrollment certification if a batterer mandated to attend a certified batterers intervention program has enrolled in the program prior to adjudication. Applications, which are completed as for provisional certification (described above), are available through the Committee Chair: Shelley Cortese, c/o RI Department of Corrections/ Adult Probation & Parole, Bernadette Building, 15 Fleming Road, Cranston, RI 02920; Telephone: (401) 462-1619; Fax: (401) 462-0164; Email: shelley.cortese@doc.ri.gov; or through a successor designated by the Director of the Department of Corrections.
2. The application for post-enrollment certification consists of a completed application form signed by the program director or other authorized official, and specified documents sufficient to demonstrate compliance with standards related to curriculum, staff qualifications, group format, program fee structure, and others as requested.

Documents submitted as part of the application package shall include but are not limited to the following items:

- a. Facilitator Qualifications forms for each Facilitator, Facilitator Trainee, and/or Student Intern Facilitator.
- b. Supervisor Qualifications forms for each Supervisor of Facilitators, Facilitator Trainees, and/or Student Intern Facilitators.

Note: If an individual is both a Facilitator and a Supervisor, both sets of forms must be completed.

- c. A complete copy of the curriculum with lesson plans, assignments, and handouts; modifications or alternate curriculum, if any, for special populations.
- d. A copy of the client service contract.
- e. A copy of rules for group participants.
- f. A copy of client notice of the limits of confidentiality, noting exchange of information with referral source(s) and reporting of dangerous, threatening, or illegal behavior.
- g. A schedule of intake and session fees; means of accommodating clients with varying ability to pay fees; sample fee agreement (if separate from the service contract); and any program policies and procedures regarding payment arrangements, fee adjustments, or alternative forms of compensation.

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- h. Documentation of the group format, including at a minimum a description of the group psycho-educational approach; number and duration of sessions in a given program cycle; group size range; schedule of group sessions with times and locations, and special populations as appropriate (e.g. groups for particular gender, cultural identity, language, or other population).
 - i. Copies of sample forms or document formats maintained as part of client records.
 - j. Listing of administrators, managers, directors, and/or owners associated with the batterers intervention program.
3. The application package shall be submitted to the Committee Chair or designee, who shall forward all materials to the Review Subcommittee. Generally two (2) or more members of the Review Subcommittee shall be identified as primary reviewers for each particular program. The Review Subcommittee shall screen the applications in detail and shall contact the designated point person for the applicant agency. Every effort shall be made to resolve incomplete, unclear or inconsistent information and to secure missing documentation for each of the required areas.
4. Review of the application package from a program requesting post-enrollment certification shall be expedited to the extent feasible, since by definition at least one (1) mandated batterer has already been enrolled in the program. The Review Subcommittee shall prepare a summary of the program, and shall present the summary to the Committee at its next scheduled meeting; provided, however, that if there is no meeting scheduled within the next thirty (30) days following receipt of the application, a special meeting shall be called.
5. The Review Subcommittee shall have the full application package available at the Committee meeting for any program requesting post-enrollment certification. Committee members shall have the opportunity to review the application and supporting documents, if desired. Any duly authorized representative of the agency shall have the opportunity to present information, respond to questions, or described aspects of the program, if desired.
6. While the Review Subcommittee handles most of the preliminary preparation with the applicant program, final decision-making authority rests with the Oversight Committee.

Denial of Post-Enrollment Certification:

1. Upon determination by the Committee that an applicant agency or individual has not satisfactorily demonstrated compliance with the indicated standards, the Committee is empowered to deny post-enrollment certification. Any denial of post-enrollment certification shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

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2. Within five (5) business days following an affirmative vote to deny post-enrollment certification for any program, the Committee shall send written notice of the decision to the designated contact person at the agency by certified mail, return receipt requested. The notice shall include a statement of the basis for the decision. The notice shall also include an advisory that any domestic violence offender who is mandated to attend a certified batterers intervention program and who is currently enrolled in the agency must be immediately informed of the necessity to enroll in a certified batterers intervention program. To that end, the agency shall be directed to refer any such offenders to the entity responsible for monitoring their court status or directly to the court having jurisdiction. Any services provided by the non-certified agency to such individual(s) can be in addition to, but cannot substitute for, participation in a certified batterers intervention program.

3. An agency or individual denied post-enrollment certification through this process may be eligible to apply for provisional certification after a minimum of sixty (60) days from the date of denial. Review Subcommittee members shall work with such a program toward provisional certification, subject to availability of Subcommittee members and program request.

Awarding of Post-Enrollment Certification:

1. Upon determination by the Committee that an applicant agency or individual has satisfactorily demonstrated compliance with the indicated standards, the Committee is empowered to award post-enrollment certification, which shall entail the same entitlements and the same limitations as for provisional certification. Such award shall be made subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

2. Within five (5) business days following an affirmative vote to award post-enrollment certification to any program, the Committee shall send written notice of the decision to the designated contact person at the program. Within thirty days (30) the Committee shall also notify, and/or enable the program awarded post-enrollment certification to notify, likely referral sources that the program has been certified as being eligible to accept referrals of domestic violence offenders for court mandated batterers intervention. To enable the program to make such notification, the Committee shall provide business contact information from willing referral sources.

3. The award of post-enrollment certification is based on the representations of an applicant agency that it meets the standards related to curriculum, staff and supervisor qualifications, group format, program fee structure, and others as indicated. The Committee reserves the right to verify compliance through requesting in-person appearance by program principals before the Committee, additional documentation, on-site program review including group session observation, and/or other means.

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4. Programs that have been granted post-enrollment certification shall have six (6) months from the date of the award to complete compliance with each of the Comprehensive Standards in order to qualify for comprehensive certification, including satisfactory conduct of batterers intervention groups, as determined through observation of a sampling of actual group sessions by Committee representatives [See *Comprehensive Certification*].

5. The remaining procedures by which a program with post-enrollment certification shall be eligible to achieve comprehensive certification are the same as those described for comprehensive certification. References to provisional certification within the body of the procedures shall be construed as including post-enrollment certification as well.

SECTION II. CERTIFICATION/ OTHER CIRCUMSTANCES

C. Courtesy Certification

Definition: Courtesy certification of programs in other jurisdictions can be requested by programs that are certified in another jurisdiction, and/or that meet the statutory minimum standards as outlined in RIGL §12-29-5.2 (a) (1) through (3). Such courtesy certification is applicable only for individuals who have been adjudicated in Rhode Island and who have been authorized to attend a program in another state.

Description: Batterers intervention programs that have valid certification (or similar designation) in jurisdictions that have established standards are automatically eligible for courtesy certification in Rhode Island. Courtesy certification for programs in jurisdictions without standards shall be determined on the basis of documented compliance with the three (3) statutory minimum standards.

Procedures:

1. Any interested person, agency, or program that operates in a state other than Rhode Island, and that seeks to serve one or more batterers who are mandated by RIGL §12-29-5 to attend a program certified by the Batterers Intervention Program Standards Oversight Committee, may request courtesy certification.

2. If the other state or jurisdiction has established standards for batterers intervention programs, qualifying programs within that jurisdiction shall automatically be eligible for courtesy certification in Rhode Island. Courtesy certification shall be conferred upon presentation to the Oversight Committee of credible evidence of the program's certification (or similar designation) in the other jurisdiction.

3. Programs in jurisdictions that do not have standards for batterers intervention programs may apply for courtesy certification by completing an application and

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submitting documents that indicate the program complies with the three (3) statutory minimum standards as set forth in RIGL §12-29-5.2 (a) (1) through (3). Applications are available through the Chair of the Batterers Intervention Program Standards Oversight Committee: Shelley Cortese, c/o RI Department of Corrections/ Adult Probation & Parole, Bernadette Building, 15 Fleming Road, Cranston, RI 02920; Telephone: (401) 462-1619; Fax: (401) 462-0164; Email: shelley.cortese@doc.ri.gov; or through a successor designated by the Director of the Department of Corrections.

4. Requests for courtesy certification shall be screened by the Review Subcommittee and presented to the Oversight Committee in accordance with established procedures.

5. Courtesy certification shall only be applicable for individuals who have been adjudicated in Rhode Island and who have been permitted by authority of a Rhode Island court or by Rhode Island Probation and Parole to attend a program in another state.

6. Courtesy certification by the Rhode Island Batterers Intervention Program Standards Oversight Committee is not intended to impinge in any way upon procedures or standards that the other state or jurisdiction may impose with respect to batterers programs.

SECTION II. CERTIFICATION/ OTHER CIRCUMSTANCES

D. Changes in Business Entity

1. All comprehensively certified programs experiencing a change in business entity or organizational identity will revert to provisional certification status. This change in certification is essential in order to provide an opportunity to ensure compliance with the Comprehensive Standards.

2. Provisionally certified programs experiencing a change in business entity or organizational identity are required to submit all application documents as a new entity to the Review Subcommittee.

3. Provisionally or comprehensively certified programs experiencing a change in business entity or organizational identity will generally be allowed to continue to provide batterers intervention, in order to facilitate continuity of services to clients; provided, however, that if the Committee shall confirm that a certified program is not in compliance with the comprehensive standards, the Oversight Committee shall reserve the right to revoke or suspend certification.

4. The review process would proceed according to the established guidelines for provisional, comprehensive, or renewed comprehensive certification.

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SECTION II. CERTIFICATION/ OTHER CIRCUMSTANCES

E. Suspension and Termination of Certification

1. The Committee shall reserve the authority to declare non-certified (and to so notify potential referral sources) any program, agency or individual that has been awarded any certification status (provisional, comprehensive, renewed comprehensive, post-enrollment, courtesy, or any other form of certification status) and that the Committee determines to be non-compliant with the applicable standards, or non-operational as a batterers intervention program. Such programs may be deemed ineligible to accept new referrals and/or to continue providing batterers intervention to existing mandated clients.

2. Circumstances shall include but may not be limited to the following:

a. Certification has expired and the program has failed to apply for or satisfactorily complete the requirements for continued certification or extension.

b. Notification by duly authorized representative of the agency (or verified determination by the Committee) that the program has ceased accepting referrals for batterers intervention or has ceased operating as a batterers intervention program, or that it intends to cease operations within a foreseeable time frame.

c. Determination by the Committee that the program is significantly and/or persistently non-compliant with the standards, despite good faith efforts to work with the program to come into compliance.

3. Suspension of certification status is for a specified time period and specified purpose. Formal written notification shall be provided to the affected program director or designee, with specific reason(s). Any effort to resolve the matter short of suspension shall be described. The program shall be notified of what action(s) would be required to lift the suspension within the specified time period. The Committee shall notify likely referral sources that the program is not currently eligible to receive referrals of court mandated batterers. If the program has mandated batterers currently enrolled, a determination shall be made by the Committee as to whether those clients may continue in the program or must be transferred to another batterers program.

4. Termination of certification status is not time limited. Formal written notification shall be provided to the affected program director or designee, with specific reason(s). Any effort to resolve the matter short of termination shall be described, if the program is not voluntarily ending its batterers services. The Committee shall notify likely referral sources that the program is no longer eligible to receive referrals of court mandated batterers. If the program has mandated batterers currently enrolled, a determination shall be made by the Committee as to whether those clients may continue in the

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program or must be transferred to another batterers program. The program shall be notified that a new application would have to be initiated if the program seeks to become certified again; such application could be considered no sooner than 60 days from the effective date of termination.

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SECTION III. SPECIAL PROCEDURES

A. Complaints

Description:

A complaint is an allegation that a batterers intervention program may not be in compliance with some portion of the Batterers Intervention Program Comprehensive Standards. Certified batterers programs are required to have policies guiding their response to complaints referred to them. Complaints may also be referred to the Committee Chair and/or Review Subcommittee, either directly by individuals or by programs that have been unable to resolve the issues. The Committee Chair and/or the Review Subcommittee shall make determinations regarding problems that require immediate intervention. Further investigation into a complaint may be appropriate, with a report to the Oversight Committee for informational and/or decision-making purposes.

Procedures:

1. The Oversight Committee shall notify all certified batterers intervention programs, domestic violence victims services agencies, the Rhode Island Courts, Adult Probation and Parole, and other appropriate organizations that individuals or agencies having a complaint regarding a certified batterers intervention program may address that complaint directly to the program. In addition, or instead, individuals or agencies may address a complaint directly to the Oversight Committee if it involves a certified batterers intervention program policy, practice, staff conduct, or other program component that is alleged to be in non-compliance with any of the Comprehensive Standards or with other requirements under law. Such complaints may be directed to the Committee Chair for initial review, or to any member of the Oversight Committee or any of its Subcommittees for subsequent referral to the Chair.
2. A complaint may be forwarded by a certified program to the Chair, if internal efforts to resolve the matter have been unsuccessful. The Chair shall request an accounting of any and all such efforts.
3. The Chair shall request that any complaint be filed in writing, but this shall not be a requirement, in recognition that victims, program staff, clients and members of the public could all have an interest in remaining unidentified. Complainants who elect to remain anonymous, or who do not provide a written account or other substantiation, shall be informed (when feasible) that this could impact determination of probable cause or verification of the complaint circumstances, but that the complaint shall be investigated and acted upon to the extent that it is substantiated.
4. If the Chair determines that there is insufficient information or substantiation to find probable cause for a complaint, or that a complaint does not fall within the purview of the Oversight Committee (that is, if it is not directly related to the batterers intervention

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program standards or to other requirements under law), it shall be recorded, and no further action shall be taken by the Committee. When appropriate, the complaint shall be referred back to the program for action, and/or the complainant may be advised of alternative venues.

5. If the Chair determines that there is probable cause to believe that a complaint has foundation, and that it does fall within the purview of the Committee, the Chair may elect to respond to the complaint immediately if safety concerns so indicate, or if resolution appears likely with minor intervention. Such matters shall be recorded, and reported to the Review Subcommittee. At the Chair's discretion, a report may be made to the Oversight Committee.

6. If the Chair determines that there is probable cause to believe that a complaint has foundation, and that it does fall within the purview of the Committee, and that further investigation is required and/or that resolution is likely to require substantial intervention, the complaint shall be referred to the Review Subcommittee for further action. Investigation and action may include, but are not limited to, the following, as appropriate: contacting the program; discussing the complaint with the director; reviewing the program's application and supporting documents; interviewing person(s) filing the complaint and others with knowledge of the complaint circumstances; conducting on-site program reviews; and suggesting resolution(s).

7. If the matter cannot be resolved through the investigation process or if the investigation is inconclusive, the Chair and/or Review Subcommittee shall prepare and submit a report to the Oversight Committee summarizing the complaint, the standard(s) involved, significant findings, and recommendations on how to proceed. The program shall be notified in advance of the date and time of the Oversight Committee meeting at which the matter will be presented, and shall be offered an opportunity to respond, to rebut, and to present additional information or explanations, as they choose. Other interested individuals shall have the opportunity to participate; except that any member, designee or alternate of the Oversight Committee and its Subcommittees who is affiliated with any other batterers intervention program shall recuse himself or herself from discussion, participation, or vote in the matter of the complaint. Each such individual shall complete a statement of conflict of interest and file it with the Oversight Committee as well as forwarding a copy to the Rhode Island Ethics Commission. The Chair shall moderate the presentations and discussion.

8. After reviewing all available evidence and/or statements, the Oversight Committee shall determine what course of action. Dispositions may include, but are not limited to, one of the following: dismiss complaint; take no further action; revoke certification for specified reason(s); suspend certification pending specified program modification(s) within a certain time frame; table decision pending specified program modification(s) within a certain time frame; request additional information; and/or refer the matter back to the Review Committee.

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9. A log of all complaints shall be maintained by the Chair, including those deemed to fall outside the purview of the Oversight Committee and those complaints resolved by the Chair with minor intervention. The log shall be available for review upon request.

SECTION III. SPECIAL PROCEDURES

B. Appeals

Definition: An appeal is a request by a program for reconsideration of a decision made by the Oversight Committee with respect to its certification as a batterers intervention program.

Description: Upon notification of action by the Oversight Committee, a program seeking certification as a batterers intervention program may elect to appeal an adverse decision by notifying the committee Chair. An appeal hearing by the Oversight Committee shall be scheduled within 45 days.

Procedures:

1. Within five (5) business days following a vote with respect to certification of any particular batterers intervention program, the Committee shall send written notice of the decision to the program. Notice of any decision that would result in a loss of the program's eligibility for referrals that is based on an action by the Committee and not voluntary cessation of a batterers program (e.g., denial, suspension or termination of certification) shall be sent to the program by certified mail, return receipt requested. The written notice shall include a statement of the reason(s) for the decision by the Committee.
2. If the affected program chooses to appeal the decision of the Committee, the executive director, president, or other official who is empowered to act on behalf of the program shall so notify the Chair of the Committee in writing within 10 days of receipt of the written notification.
3. Upon receipt of an appeal request, the Committee Chair shall schedule an appeal hearing with the Committee. The date of the appeal hearing shall be the next scheduled meeting of the Committee; provided, however, that if a meeting has not been scheduled within 45 days following receipt of the appeal request, then a special meeting shall be called to hear the appeal.
4. The Committee Chair shall notify the batterers intervention program representative, in writing, of the date of the appeal hearing. The program representative shall be encouraged but not required to attend the hearing. A copy of any supporting materials the program elects to present shall be requested to be made available to the Chair at

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least one week in advance of the hearing, whenever feasible. Similarly, the Chair shall make available to the program any materials intended for the hearing which have not already been provided to the program.

5. Prior to the start of the appeal hearing, any member (or designee or alternate) of the Oversight Committee and its Subcommittees who is affiliated with any batterers intervention program shall recuse him/ herself from any discussion, participation, or vote in the matter of the appeal, and shall complete a statement of conflict of interest and file it with the Oversight Committee as well as forwarding a copy to the Rhode Island Ethics Commission.

6. In conducting the appeal hearing, the Committee Chair or a designee shall review the decision under appeal, present the information upon which it was based, and the reason(s) for the decision. The batterers intervention program shall be offered an opportunity to respond, to rebut, to present additional information or explanations, as its representatives choose. Any interested individual, with the exception of those Committee and Subcommittee members, designees, or alternates required to recuse themselves, shall have the opportunity to participate. The Chair shall moderate the presentations and discussion.

8. Any Committee member/ designee/ or alternate who is empowered to vote shall be permitted to make a motion, and the Chair shall call for a vote. Options shall include, but not be limited to the following: deny certification; grant certification; table decision pending further investigation through on-site visit(s), request for more information, program coming into compliance with standards within a specified time period, or other; suspend or resume referrals pending final decision; etc.

9. Written notification of the decision in the appeal shall be sent to the program by certified mail, return receipt requested, within five (5) business days of the hearing.

SECTION III. SPECIAL PROCEDURES

C. Variances

Definition:

A variance is an accepted deviation from established standards for program content and/or format granted by the Oversight Committee in response to a specific request by a batterers intervention program to create alternative standards within a specific context. A batterers intervention program must request a variance in writing and receive approval prior to implementing any program feature that would not otherwise be consistent with the established Comprehensive Standards.

Description:

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A variance is the means by which a batterers intervention program may request modification of one or more specific standards for a particular identified purpose and within required guidelines, as described below and in the Comprehensive Standards. Variances are intended to be limited in scope and must be compatible with the overall intent of the Comprehensive Standards. Variances are not intended as a means to circumvent or to secure a waiver from existing standards; rather, they establish alternative standards within a specific context. Variances offer batterers intervention programs an opportunity to propose and (if granted) to implement a modified program approach, curriculum content or format to fulfill particular needs that cannot be met within the confines of the established Comprehensive Standards, or that could be met substantially better in a different way without adverse effect. Any variance must be specifically requested by the program, must be justified by the program, and must be shown to have no detrimental effect on the substance of the program.

Procedures:

1. The executive director, president, or other person who is empowered to act on behalf of a certified batterers intervention program may request a variance by applying in writing to the Committee Chair. The proposal shall indicate the specific standard(s) the program proposes to modify; the nature of the modification(s) proposed; the purpose of the modification(s) proposed; the desired outcome or anticipated benefits; potential obstacles or adverse effects; and plans for tracking and reporting impact of modification. Refer to the Batterers Intervention Program Comprehensive Standards for a suggested format, and additional descriptive information regarding purpose(s) and requirements for proposed variances.
2. The Chair shall refer such proposals to an appropriate Subcommittee for review and consideration. The Subcommittee shall review the variance proposal at its next scheduled meeting, or within eight (8) weeks, whichever comes first. Subcommittee members shall identify one (1) or more lead reviewers, who shall be responsible to contact the program representative to request any additional information or clarification needed.
3. Once the Subcommittee is satisfied that the variance proposal package is complete and clear, members shall consider the request and make a tentative determination regarding the proposal. If the Subcommittee concludes that the proposal should not be recommended for approval, the lead reviewer shall notify the program representative of the reasons for that determination. The program representative shall be offered the opportunity either to submit a revised proposal to the Subcommittee, or to have the proposal as prepared referred to the Oversight Committee for formal consideration.
4. The proposal shall be presented to the Oversight Committee at its next scheduled meeting following completion of the proposal package. The batterers intervention program representative shall be invited to attend and participate. The Oversight Committee shall make a determination as to whether the variance proposal shall be approved, tabled (with explanation) or denied (with explanation); or may make such

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determination conditional upon a certain time frame, further modification(s) to the proposal, or other limitations. Approval shall be accompanied by establishment of a time frame for the program to report back to the Oversight Committee, usually within six (6) to twelve (12) months following implementation of the proposal.

5. The Oversight Committee is under no obligation to grant any variance from the established Comprehensive Standards. A program that is denied a request for a variance by the Oversight Committee may reapply for the same variance no sooner than six (6) months after the date of denial.

6. Written notification of the decision shall be sent to the program within five (5) business days following the Oversight Committee meeting.

7. A program that has been granted a variance shall be required to report back to the Oversight Committee any significant effects of program modifications, whether anticipated or unanticipated, positive or negative. Such reports shall be due within six (6) to twelve (12) months after implementation of the proposed modifications, as established at the time the variance is approved. However, exceptional positive or negative impact shall be reported as soon as possible, and no longer than two (2) months after becoming apparent.

SECTION III. SPECIAL PROCEDURES

D. Petition for Adoption of Rules

Procedures:

1. Any interested person may petition the Batterers Intervention Program Standards Oversight Committee to request the promulgation, amendment, or repeal of any of the Rules of Practice and Procedure, or of the Comprehensive Standards for Batterers Intervention Programs, by submitting a request in writing to the Chair of the Batterers Intervention Program Standards Oversight Committee: Shelley Cortese, Assistant Probation and Parole Administrator, Adult Probation and Parole, Bernadette Building, 15 Fleming Road, Cranston, RI 02920; telephone: (401) 462-1619; email: shelley.cortese@doc.ri.gov; or a successor designated by the Director of the Department of Corrections.

The request shall specify what rule(s) or standard(s) is the subject of the petition; shall suggest an alternative rule or standard; and shall indicate the reason(s) for the request. The petitioner(s) shall be identified by name, signature, date, and contact address/ telephone. It is requested, but not required, that petitioners identify any affiliation (if applicable) with a batterers intervention program, victim services provider, criminal justice agency, or other entity that has a professional connection to the work of the

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Batterers Intervention Program Standards Oversight Committee, its Rules of Practice and Procedure, or the Comprehensive Standards for Batterers Intervention Programs.

2. The Chair shall submit such petitions to the Oversight Committee at its next regularly scheduled meeting; provided, however, that if such a meeting is not scheduled within the next thirty (30) days following receipt of the petition (or other time frame specified by RIGL §42-35-6), a special meeting shall be called. Petitioner(s) shall be notified of the date, time, and place of the meeting.

3. Each petition shall be presented to the Oversight Committee for its consideration and disposition. Petitioner(s) shall be invited to provide additional information, if desired. Oversight Committee votes regarding the petition(s) shall be conducted in accordance with the Committee By-Laws.

4. Upon submission of a petition, the Oversight Committee within thirty (30) days (or as specified in RIGL §42-35-6) shall either deny the petition in writing (stating its reasons for the denials) or initiate rule-making proceedings in accordance with RIGL §42-35-3.

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SECTION IV. SUBCOMMITTEES

A. General Provisions

1. Subcommittees, task forces, focus groups and advisory committees (hereinafter referred to as subcommittees) may be appointed by the full Committee as needed. Membership of all subcommittees is subject to approval by the Committee. At the discretion of the Committee, subcommittee members may include individuals who are not voting Committee members, designees or alternates. Members of each subcommittee shall select a member to act as chair (or facilitator), subject to approval by the Committee.
2. The presence of a minimum of three (3) subcommittee members shall be required in order to conduct subcommittee business.
3. Subcommittees shall strive for consensus decision-making. When a consensus is not reached, the subcommittee shall be empowered to determine issues by vote. Such decisions shall be passed by a simple majority of votes in the affirmative by those subcommittee members present. All subcommittee votes and decisions are considered tentative, and the Oversight Committee shall retain final decision-making authority in all Committee and subcommittee business.
4. Subcommittees shall report regularly to the Committee on issues, projects, and other subcommittee business, and shall prepare and present recommendations to the Committee as appropriate.
5. In accordance with laws and regulations, agendas for all subcommittee meetings shall be prepared, posted, and distributed in advance of the meetings. Minutes shall be taken of all subcommittee meetings, and shall be maintained and distributed as required.
6. Standing subcommittees shall include the Review Subcommittee, and Rules and Standards Subcommittee, which shall meet as needed in order to conduct business. Additional ad hoc subcommittees shall be established as needed for particular purposes, which may be time-limited or indefinite.

SECTION IV. SUBCOMMITTEES

B. Review Subcommittee

1. A Review Subcommittee shall be established, consistent with provisions of the By-Laws, for the purpose of reviewing documents and conducting on-site program reviews

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in connection with certification applications. The Review Subcommittee shall also be responsible to review complaints about batterers intervention programs as requested by the Committee Chair.

2. Membership of the Subcommittee shall be subject to review and approval by the Oversight Committee. Individuals who are affiliated with any batterers intervention program shall not serve on the Review Subcommittee. Furthermore, individuals who have a personal relationship with or interest in a program or individual associated with a particular program, or who have any other potential conflict of interest regarding a particular program, shall inform the Subcommittee facilitator and shall not participate in the application review process for that program.

3. All findings, decisions and recommendations of the Review Subcommittee shall be considered tentative, and the Oversight Committee shall retain final decision-making authority.

SECTION IV. SUBCOMMITTEES

C. Rules and Standards Subcommittee

1. A Rules and Standards Subcommittee shall be established, consistent with provisions of the By-Laws, for the purpose of reviewing the Batterers Intervention Program Comprehensive Standards and the Rules of Practice and Procedure. The Subcommittee shall be responsible to draft revisions to both documents as needed, and proposing changes to the Oversight Committee.

2. Membership of the Subcommittee shall be subject to review and approval by the Oversight Committee. Individuals who are affiliated with batterers intervention programs are encouraged to serve on the Rules and Standards Subcommittee.

3. All findings, decisions and recommendations of the Rules and Standards Subcommittee shall be considered tentative, and the Oversight Committee shall retain final decision-making authority.

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SECTION V. BY LAWS

Article I. Name

The name of the Committee shall be the “Batterers Intervention Program Standards Oversight Committee,” hereinafter referred to as the Committee.

Article II. Purpose

The Committee was established and authorized pursuant to Sections §12-29-5 and §12-29-5.1-3 of the Rhode Island General Laws, as enacted in 1997. The purpose of the Committee is outlined in Section §12-29-5.2 as follows:

- a) to establish and promulgate minimum standards for batterers intervention programs serving persons mandated pursuant to section §12-29-5, revise such standards as is deemed necessary, and make such standards available to the public;
- b) to monitor and review batterers intervention programs seeking certification with respect to compliance with such standards, including periodic on-site review;
- c) to certify those batterers intervention programs which are in compliance with the standards established pursuant to section §12-29-5.2(a); and
- d) to investigate and decide appeals, complaints, requests for variances, and post-enrollment certification applications.

Article III. Members

The Committee shall consist of thirteen (13) voting members to be appointed as outlined in §12-29-5.1. The positions identified in §12-29-5.1 shall be considered permanent members of the Committee, although the individuals filling such positions may on occasion change.

Each member of the Committee may appoint one (1) permanent designee and one (1) named alternate who may attend Committee meetings. In the absence of the Committee member, his/ her vote may be cast by either the designee or the alternate.

Members may elect to change who shall represent them as permanent designee or named alternate. The Committee shall be notified in writing of any such change.

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Article IV. Officers

The Chairperson of the Committee shall be the Director of the Department of Corrections, or his/her designee. The Chairperson/ designee shall have the general duties of governance usually vested in the office of Chairperson, and shall have other duties and powers as may be prescribed by the Committee.

The Vice Chairperson shall be selected by the Chairperson to assume all the duties of the Chairperson in his/her absence. In order to avoid potential conflict of interest, the Vice Chairperson shall be a member of the Committee (or designee) who shall have no affiliation with any batterers intervention program.

Article V. Meetings

The Committee shall meet no fewer than four (4) times per year at the call of the Chairperson or upon petition of a majority of Committee members (or their designees or alternates). Written notification of the time and place of any meetings shall be given at least 48 hours prior to the time of the meeting, and public notice of all meetings shall be made in accordance with the Open Meetings regulations of the State of Rhode Island (Section §42-46 of the Rhode Island General Laws).

A simple majority of the full number of Committee members, designees or alternates shall ordinarily constitute a quorum for conducting the business of the Committee: that is, the presence of a simple majority of seven (7) out of thirteen (13) seats represented by members, designees or alternates. Decisions and votes may be passed by a simple majority of votes in the affirmative among those members (or designees or alternates) present, unless otherwise specified in these by-laws.

However, in the event that a seat or seats on the Committee shall have been unrepresented for three (3) or more consecutive meetings, then the number of represented seats required to constitute a quorum for any particular Committee meeting shall be reduced by the number of seats that have been thus unrepresented, effective at the third consecutive missed meeting and at any subsequent consecutive missed meeting. The member, designee or alternate representing such seat(s) shall retain all voting privileges for any meeting at which he or she is in attendance. In no event shall a quorum consist of less than five (5) representative seats.

Committee members (or their designees or alternates) who have any affiliation with a batterers intervention program shall not cast a vote regarding certification of any particular batterers intervention program.

Article VI. Committees

Subcommittees, task forces, focus groups and advisory committees (hereinafter referred to as subcommittees) shall be appointed by the full Committee as needed. The

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Committee shall approve the membership of all subcommittees. At the discretion of the Committee, subcommittee members and facilitators may include individuals who are not otherwise voting Committee members, designees or alternates. Members of each subcommittee shall select the facilitator, subject to approval by the Committee.

The presence of a minimum of three (3) subcommittee members shall be required in order to conduct subcommittee business.

Subcommittees shall strive for consensus decision-making. When a consensus is not reached, the subcommittee shall be empowered to determine issues by vote. Such decisions shall be passed by a simple majority of votes in the affirmative by those subcommittee members present.

Subcommittees shall report regularly to the Committee on issues, projects, and other subcommittee business, and shall prepare and present recommendations to the Committee as appropriate. The Committee shall retain final decision-making authority in all Committee and subcommittee business.

Minutes shall be taken of all Committee and subcommittee meetings, and shall be maintained and distributed in accordance with Section § 42-46 of the Rhode Island General Laws (or subsequent statute).

Article VII. Amendment of By-Laws

These by-laws may be amended or repealed and new by-laws adopted at a meeting designated for this purpose, if a quorum is present and a vote to adopt a by-law is passed by a simple majority of votes in the affirmative by those members (or designees or alternates) present. Notice of such a meeting must be given at least one (1) month prior to the meeting, and must include a written description and explanation of any proposed changes.