

244-RICR-00-00-1

TITLE 244 – BATTERER’S INTERVENTION PROGRAM STANDARDS OVERSIGHT COMMITTEE

CHAPTER 00 – N/A

SUBCHAPTER 00 – N/A

PART 1 – Rules of Practice and Procedure

1.1 Authority

These rules of practice and procedure (“Rules”) are adopted pursuant to the Administrative Procedures Act (R.I. Gen. Laws Chapter 42-35) 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, R.I. Gen. Laws §§ 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 R.I. Gen. Laws Chapter 12-29. 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, R.I. Gen. Laws Chapter 42-35 (R.I. Gen. Laws § 12-29-5.3).

1.2 Definitions

- A. “Appeal” means a request by a program for reconsideration of a decision made by the Oversight Committee with respect to its certification as a batterer's intervention program.
- B. “BIPSOC” means the Batterers Intervention Program Standards Oversight Committee.
- C. “Comprehensive certification” means the process by which batterer's 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, § 1.5 of this Part].

- D. Courtesy certification of programs in other jurisdictions can be requested for programs that are certified in another jurisdiction, and/or that meet the statutory minimum standards as outlined in R.I. Gen. Laws § 12-29-5.2(a)(1) through (3). Such reciprocity is applicable only for individuals who have been adjudicated in Rhode Island and who have been authorized to attend a program in another state.
- E. “Post-enrollment certification applications” means the same as in R.I. Gen. Laws § 12-29-5.2(b), those applications made to the Committee by a batterer mandated to attend a certified batterers intervention program in accordance with R.I. Gen. Laws § 12-29-5 who has, prior to adjudication, enrolled in a program not certified by the Committee.
- F. “Provisional status” means 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.
- G. “Renewed comprehensive certification” means 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 batterer's intervention groups. Comprehensive certification status needs to be renewed at two (2) year intervals, or other time period as specified by the Committee.
- H. “Variance” means 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 batterer's intervention program to create alternative standards within a specific context. A batterer's 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.

1.3 Provisional Certification

1.3.1 Description

- A. 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 application.
- B. 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 R.I. Gen. Laws § 12-29-5. During the interim period of provisional status, 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.

1.3.2 The Application Process

- A. Any interested person, agency or program can apply for provisional status 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.
- B. Application for provisional status 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.
- C. Documents to be submitted as part of the application package shall include but are not limited to the following items:

1. Facilitator Qualifications forms for each proposed Facilitator, Facilitator Trainee, and/or Student Intern Facilitator; and/or a detailed written plan to recruit qualified staff.
 2. 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.
 3. A complete copy of the proposed curriculum with lesson plans, assignments, and handouts; modifications or alternate curriculum, if any, for special populations.
 4. A copy of the proposed client service contract.
 5. A copy of proposed rules for group participants.
 6. 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.
 7. 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.
 8. 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).
 9. Copies of sample forms or document formats proposed as part of client records.
 10. Listing of administrators, managers, directors, and/or owners associated with the proposed batterers intervention program.
- D. 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.

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

1.3.3 Denial of Provisional Certification

- A. Upon determination by the Oversight Committee that an applicant agency or individual has not satisfactorily demonstrated compliance with the indicated standards (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 status, 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.
- B. Within five (5) business days following an affirmative vote to deny provisional status 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.
- C. An agency or individual denied provisional status 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.

1.3.4 Awarding of Provisional Status:

- A. 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 report for program components not yet in place, such as recruitment of qualified staff), the Oversight Committee is empowered to award provisional status. Such award shall be made

subsequent to a motion and vote conducted in a manner consistent with the By Laws and applicable regulations.

- B. 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 provisional 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.
- C. The award of provisional status 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.
- D. Programs that have been granted provisional status shall have six (6) months from the time that provisional status 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 § 1.4 of this Part].
- E. During the period of provisional status, 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.

1.4 Comprehensive Certification

1.4.1 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.

1.4.2 The Application Process

- A. On or before expiration of provisional 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.
- B. 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 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.
- C. 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.
- D. While the Review Subcommittee handles most of the preliminary preparation with the applicant programs, final decision-making authority rests with the Oversight Committee.

1.4.3 Denial of Comprehensive Certification:

- A. 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.
- B. 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.
- C. 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.

1.4.4 Request for Extension of Provisional Certification:

- A. 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 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.
- B. 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.
- C. 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.

1.4.5 Awarding of Comprehensive Certification:

- A. 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.
- B. 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.

- C. Comprehensive certification as a batterers intervention program shall remain in effect for two (2) years from the date of award, or for another 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.
- D. 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.

1.5 Renewed Comprehensive Certification

1.5.1 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 provisional and 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.

1.5.2 The Application Process:

- A. In advance of the Oversight Committee meeting at which renewal of 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 (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.
- B. 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.

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

1.5.3 Denial of Renewed Comprehensive Certification:

- A. 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.
- B. 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.
- C. 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.

1.5.4 Request for Extension of Comprehensive Certification:

- A. 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 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.

- B. 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.
- C. 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.
- D. 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.

1.5.5 Awarding of Renewed Comprehensive Certification:

- A. 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.
- B. 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 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.
- C. 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.

- D. 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.

1.6 Exceptions to Provisional Certification

- A. 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 operation as batterers intervention programs in another jurisdiction may be eligible to apply directly for comprehensive certification if courtesy supervision is not applicable [see § 1.7 of this Part, Reciprocity] and if the programs affirm that they meet the statutory requirements for certification in Rhode Island.
 - 2. Agencies or programs that are not currently certified in Rhode Island to provide batterers intervention may be eligible to apply for provisional certification

1.7 Reciprocity

1.7.1 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. Reciprocity for programs in jurisdictions without standards shall be determined on the basis of documented compliance with the three (3) statutory minimum standards.

1.7.2 Procedures

- A. 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 R.I. Gen. Laws § 12-29-5 to attend a program certified by the Batterers Intervention Program Standards Oversight Committee, may be considered for reciprocity.

- B. 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.
- C. 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.

1.8 Changes in Business Entity

- A. 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.
- B. 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.
- C. 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.
- D. The review process would proceed according to the established guidelines for provisional, comprehensive, or renewed comprehensive certification.

1.9 Suspension and Termination of Certification

- A. The Committee shall reserve the authority to declare non-certified (and to also 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) 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.
- B. Circumstances shall include but may not be limited to the following:

1. Certification has expired and the program has failed to apply for or satisfactorily complete the requirements for continued certification or extension.
 2. 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.
 3. 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.
- C. 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.
- D. 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 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.

1.10 Complaints

1.10.1 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.

1.10.2 Procedures

- A. 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.
- B. 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.
- C. 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.
- D. 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 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.
- E. 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.

- F. 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).
- G. 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.
- H. 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.
- I. 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.

1.11 Appeals

1.11.1 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.

1.11.2 Procedures

- A. 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.
- B. 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.
- C. 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.
- D. 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 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.
- E. 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.
- F. 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.

- G. 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.
- H. 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.

1.12 Variances

1.12.1 Description

- 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.

1.12.2 Procedures

- A. 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.

- B. 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.
- C. 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.
- D. 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 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.
- E. 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.
- F. Written notification of the decision shall be sent to the program within five (5) business days following the Oversight Committee meeting.
- G. 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.

1.13 Petition for Adoption of Rules

1.13.1 Procedures

- A. 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.
- B. 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 Batterers Intervention Program Standards Oversight Committee, its Rules of Practice and Procedure, or the Comprehensive Standards for Batterers Intervention Programs.
- C. 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 R.I. Gen. Laws § 42-35-6), a special meeting shall be called. Petitioner(s) shall be notified of the date, time, and place of the meeting.
- D. 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.
- E. Upon submission of a petition, the Oversight Committee within thirty (30) days (or as specified in R.I. Gen. Laws § 42-35-6) shall either deny the petition in writing (stating its reasons for the denials) or initiate rule-making proceedings in accordance with R.I. Gen. Laws § 42-35-3.