

**Colorado Advisory Council on Brain Injury**  
**By-Laws**  
**Current Grant Cycle 8/1/21-7/31/26**

I. Name and Establishment

The Colorado Advisory Council on Brain Injury was created in 2018 through a federal grant from the Administration for Community Living (ACL) US Department of Health and Human Services Traumatic Brain Injury (TBI) State Partnership Program. This council advises MINDSOURCE – Brain Injury Network, Colorado’s lead state agency on brain injury, which is housed within the Colorado Department of Human Services, Office of Adult, Aging and Disability Services (OAADS).

II. Purpose

The purpose of this council shall be to:

- A. Support MINDSOURCE in effectively identifying gaps in services and supports, developing a responsive plan to address these gaps, and collaborating across private and public partners to meet the needs of the Colorado brain injury community across the lifespan.
- B. Create and monitor efforts related to a statewide plan on brain injury which serves as a blueprint to guide the work of MINDSOURCE and related boards and councils.
- C. Monitor efforts related to the ACL grant, as applicable.

III. Membership & Composition

- A. The Advisory Board shall consist of no more than 20 members. As per the ACL grant, five members shall be standing members and include representatives from:
1. Aging and Disability Resource Center
  2. Protection and Advocacy
  3. Long-term Care Ombudsman
  4. Centers for Independent Living
  5. TBI Model Systems
- B. Representatives from additional state agencies and contractors with on-going brain injury programming experience shall be standing members and include representatives from:
1. Colorado Department of Education
  2. Colorado Department of Public Health and Environment
  3. Colorado Department of Health Care Policy and Financing
  4. MINDSOURCE Contractor of Client Services
  5. Colorado Department of Labor and Employment
  6. Colorado Behavioral Health Administration
  7. Colorado Tribal Liaison
- C. Qualifications

The Advisory Council is composed of members who bring a wide variety of perspectives and expertise including individuals with lived experience with brain injury, family members of those with lived experience of brain injury state agency representatives, community advocates, and providers. A minimum of 50% of members should be individuals with lived experience.

Family members of brain injury survivors are not considered members with lived experience per ACL guidelines.

#### IV. Duties and Powers

The Council shall:

- A. Meet quarterly at a minimum.
- B. Vote on Co-chairs and Co-chairs elect. One of the Co-Chairs must be an individual with lived experience.
- C. Approve and amend bylaws as needed.
- D. Review reports and dashboard content from the MINDSOURCE team as they relate to the Colorado State Plan on Brain Injury.
- E. Participate in the recruitment of members.
- F. Vote on the addition of at-large members.
- G. Update the Colorado State Plan on Brain Injury every three years.
- H. Monitor progress with the Colorado State Plan on Brain Injury and ensure it remains relevant.
- I. Vote on proposed changes to the State Plan.
- J. Serve as a liaison to relevant partners to support the work of the council.
- K. Use an inclusive lens to advocate for the brain injury community across Colorado.
- L. Members may be asked to take on additional duties such as participating in subcommittees and attending relevant training.
- M. The council shall, to the extent possible, represent rural and urban areas of the state as well as represent the ethnic diversity of the state.

V. Appointments and Termination

- A. Prospective at-large members are required to complete an application.
- B. Standing members are required to complete an application.
- C. Applications for at-large members will be reviewed by the council and voted on by secret ballot. The votes shall be tallied by the Co-chairs or MINDSOURCE and recorded in the minutes.
- D. The terms of at-large council members and standing members shall be three years, with the option to renew for a second term. Members who wish to serve a second term must submit a new application. The council will vote on approval of the second term by secret ballot. Votes shall be tallied by the Co-chairs or MINDSOURCE and recorded in the minutes.
- E. No member may serve more than two consecutive terms. In rare instances, exceptions may be made upon MINDSOURCE's discretion. Exceptions will be documented in meeting minutes.

VI. Nondiscrimination Policy

Council members shall be selected entirely on a nondiscriminatory basis with respect to age, race, sexual orientation, gender, physical disability, veteran's status, political affiliation, color, religion, creed, ancestry, marital status, profession or national origin.

VII. Orientation

- A. Orientation of new members shall be provided by MINDSOURCE and the Co-chairs prior to a member's first meeting when possible. The MINDSOURCE team will support the Co-chairs.

- B. Co-chairs may provide mentoring for new members. Co-chairs cannot conduct council business with new members outside of meetings. Mentoring may consist of providing context/additional information about a topic, sharing knowledge about existing policies, programs and resources and coaching new members regarding meeting participation and clarifying procedural issues.

#### VIII. Compensation

- A. Council members will be compensated for serving on the council and reimbursed for reasonable travel expenses to attend meetings, should funding be available. Reimbursement of council member expenses will be based on the current Colorado Department of Human Services travel reimbursement policy and all other State policies regarding reimbursement for personal expenses. Members are eligible for compensation from MINDSOURCE if they are not compensated by their employer for participating on the council. Compensation in the amount of \$600 or more in a calendar year will be reported by the state to the IRS and the council member will receive a 1099 in late January for the previous calendar year. Eligible members must complete a W9 and provide the necessary information to be entered as a vendor in the CORE system. Compensation may be issued as a check or direct deposit (must complete EFT form). Council Members may opt to receive less than \$600 per year if the sum would have a negative impact on their benefits, taxes, etc. Council Member compensation will be discussed in the onboarding process, including Council Member and MINDSOURCE responsibilities. The rate

of compensation is \$30 per hour. Compensation will be issued quarterly or at the discretion of MINDSOURCE if modifications of this time frame are required. Any modification will be communicated to council members who are receiving compensation.

- B. Council members must attend at least half of a meeting in order to receive compensation. Time spent preparing for a meeting will not be reimbursed if the member does not attend at least half of the meeting.

#### IX. Removal

- A. The Council may recommend to MINDSOURCE the removal of any member for substantiated gross neglect of duty, conviction of a felony or violation of the by-laws and/or laws that govern the Council.
- B. The Council may recommend the removal of any member for failure to attend two regular meetings within a calendar year. If a member cannot attend a meeting, notice should be given to the Co-chairs and MINDSOURCE as soon as possible. Up to two absences will be excused for valid circumstances such as emergencies, planned vacation and illness. Missing more than 2 meetings may be grounds for removal from the council. Standing members appointed by virtue of their office may designate an alternate representative to attend meetings and/or Standing Committees when a situation dictates the member being absent. The name of the designee shall be provided at least 24 hours in advance to the Co-chairs and MINDSOURCE. Missing three or more meetings will result in removal from the council. Consistent attendance is critical to fulfill

council member duties, maximize collaborations and ensure decisions are representative of the full council.

- C. Members who misrepresent themselves as employees of the State of Colorado, employees of partner agencies or as having false authority due to their position on the council will be removed.
  - D. MINDSOURCE shall notify the council member pending removal prior to making a recommendation.
  - E. Upon receiving a recommendation for the removal of a council member MINDSOURCE may take action including but not limited to; requesting an executive session with the Co-chairs, speaking with additional council Members, notifying CDHS leadership and Boards and Commissions and notifying the Administration for Community Living. As the ACL grant administrator and designated lead state agency on brain injury, MINDSOURCE holds the authority to remove members from the council without a vote due to behavior that is egregious or threatens the safety of others.
  - F. A simple majority of voting members is required to pass a motion of removal of a council member.
- X. Officers and Structure of the Board
- A. The board shall elect from its members, by a majority vote, two Co-chairs and may identify two Co-chairs Elect.
  - B. Co-chairs are eligible to serve for two consecutive one-year terms with annual approval (majority vote) of the Board.

- C. The Board may establish any organizational structure it determines is necessary to accomplish its functions and duties.
- D. The Co-chairs may assign members of the Board to working committees or to work groups. Each working committee or work group shall report to the full Board at each general membership meeting.
- E. Role of Co-chairs: Co-chairs shall attend planning meetings with the MINDSOURCE team and debriefing meetings as necessary. Co-chairs will mentor and support newly elected Co-chairs for a minimum of six months. During this mentorship period the former Co-chair is no longer a voting member of the board unless they have transitioned into an at-large or standing role.
- F. Role of Co-chairs Elect: Co-chairs Elect shall shadow the Co-chairs and attend all meetings in preparation for becoming Co-chairs the next year.
- G. Elections and/or vote for the renewal of Co-chair positions shall take place on an annual basis or within two months of a vacancy. This may require the board to hold an additional meeting depending on the board calendar.
- H. As determined needed by the Board, non-Board Members may serve in an ad hoc capacity to sub-committees or the Board. These individuals will not be voting members.

#### XI. Meetings

- A. Meetings of the Board shall be held at least four times a year, but may be held more frequently, as deemed necessary, subject to call by MINDSOURCE, the Chairpersons, or by the request of a majority of the Board members.

- B. Meeting proceedings shall follow the Robert's Rules of Order Revised Edition.
- C. The presence of two-thirds of board members shall constitute a quorum for the convening of a meeting. To vote on an item , a simple majority (greater than 50 percent) of voting members must be present.
- D. Meetings of the entire Board shall be open to the public and announced accordingly (See Colorado Open Meeting Laws referenced below).
- E. Meetings of the working committees are also open to the public and if two or more board members meet it must be noticed to the public (See Colorado Open Meeting Laws referenced below).
- F. An action required or permitted to be taken at a Board meeting may be taken without a meeting in accordance with the stipulations detailed in section 7-128-202 of the Colorado Revised Statutes (See Colorado Open Meeting Laws referenced below).
- G. Board Members may email the Co-chairs and MINDSOURCE with requested agenda items at least 14 calendar days prior to a meeting. The Co-chairs and MINDSOURCE are responsible for creating meeting agendas and will determine if suggested topics align with the mission of the board.
- H. The meetings must provide board members with a sufficient opportunity to review key communications and provide input on policy-making activities.
- I. At the meetings, the board shall decide if and when it is appropriate to coordinate with other boards or commissions, industry, educational

institutions, and stage agencies where responsibilities and interests overlap.

- J. Each year a survey will be administered to the board regarding board practices and engagement.
- K. Meetings will be held in accordance with State of Colorado Open Meetings Laws. This requires posting of meeting agendas in advance, meetings open to the public, dedicated time for public comment, and posting of approved meeting minutes. See Colorado Revised Statute Section 24-6-401 for more information. Visit the [Colorado General Assembly website](#) for more information.

## XII. Colorado Open Records Act

Members of the board are subject to the Colorado Open Records Act (CORA). Colorado Revised Statutes 24-72-201-206 allows citizens to gain access to public records. These records can be any document, electronic media, or any other materials related to board business, even ones stored on privately owned equipment. Visit the [Colorado General Assembly website](#) for more information.

## XIII. Ethical Conduct/Conflicts of Interest

- A. Members shall abide by professional and ethical rules of conduct in section 24-18-108.5, C.R.S., “Rules of Conduct for members of boards and commissions.” Visit the Colorado General Assembly website for more information.
  - 1. Respect; Members are expected to work collectively and respectfully with other Board members and with CDHS to

achieve assigned responsibilities. While disagreements may be inevitable, all Board members must be respectful of others' opinions. Any kind of discriminatory behavior, harassment or victimization will not be allowed and are grounds for removal from the Board.

2. Engagement; Members are responsible for being engaged in the board's work. Members are responsible for communicating well, participating in discussions, exhibiting a willingness to work with the group and make compromises, and maintaining a professional demeanor.
- B. Whenever a member has reason to believe that the actions of any member including himself/herself may be in violation of State conflict of interest laws, or Board policy, he/she shall immediately notify the Chairperson and MINDSOURCE.
  - C. No member shall knowingly vote on any matters, which may result directly or indirectly in financial advancement for himself/herself or any member of his/her family including in-laws. No member shall cast a vote on any matter that would provide direct financial benefit to himself/herself, or otherwise give the appearance of a conflict of interest. Members are expected to refrain from taking actions that serve their personal interest rather than public interest.
  - D. Members shall recuse themselves from any discussion of the design of Requests for Proposals, and of any discussion of grants or contracts for

which such member's department, agencies, programs, or organizations of which they are an officer, are grantees or applicants.

- E. Members shall disclose any conflict of interest at the time of application and complete an annual disclosure form in August of every year.
- F. Members who wish to file a grievance related to the Board shall contact the Deputy Director of the Office of Adult Aging and Disability Services within the Colorado Department of Human Services.
- G. No member shall take action upon a complaint that is not first submitted to the Board for consideration.

#### XIV. Administration

- A. The administrative costs of the Board shall be reviewed by the Board on an annual basis by MINDSOURCE.
- B. The fiscal year of the Board shall be August 1st through July 31st.
- C. Staff duties relative to the board's mission: The Administrator is responsible for effectively processing board business. This includes but is not limited to the following:
  - 1. Ensuring meeting material is thoughtfully prepared and distributed in advance of the meeting.
  - 2. Ensuring the timely processing of travel reimbursements, compensation and procuring goods and services in compliance with the Procurement Code, state fiscal rules and Department policy.
  - 3. Assisting constituents that would like to participate in board proceedings.

4. Managing the board's calendar and providing learning opportunities for board members as time permits.
  5. Hosting informational meetings, work sessions, or retreats to meet the needs of the Board.
  6. Ensuring new members receive comprehensive onboarding.
  7. Ensuring the board is in compliance with requirements related to the Federal Administration for Community Living Program and grant.
- D. The board must have processes for receiving public comment or for rulemakings, to receive written or oral testimony so the public can share its views, and data of any proposals under consideration. The Board values evidence-based, data-driven decision-making. To the extent data or evidence-based frameworks are available, they are utilized in the Board's analysis.
- E. Ten minutes will be allotted for public comment at the end of the agenda. Additional time will be allowed for reasonable accommodation of persons with disabilities.
- xv. Amendments
- A. Proposed amendments to the by-laws shall be circulated to the membership at least 30 days prior to the next regularly scheduled membership meeting.
  - B. Amendments to these by-laws may be made by approval of two-thirds of the Board members.