



RESTORATIVE JUSTICE

COLORADO

**COLORADO
RESTORATIVE JUSTICE COORDINATING
COUNCIL**

BY-LAWS

AMENDED APRIL 2021

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PREAMBLE

The Colorado Restorative Justice Coordinating Council commits to uphold restorative justice values and principles in our professional conduct and in the operations of this RJ Council. We subscribe to using restorative justice principles to guide the accomplishment of our legislative mandate and our stated mission. In that spirit, we commit to:

- Place a high value on relationships and encourage strong, healthy relationships among the restorative justice community;
- Conduct ourselves and our meetings in a manner that shows respect for all persons and opinions;
- Use restorative justice processes to resolve any challenges, conflicts, complaints or harm that may need to be addressed;
- Make decisions by consensus whenever possible. Consensus is defined as finding a solution that everyone can agree to live with, even if it may not be their ideal. Voting will be employed as a last resort if consensus cannot be achieved.

ARTICLE 1 - AUTHORITY, PURPOSE AND DUTIES

1.1 AUTHORITY: On March 29, 2007 upon signature of then Governor Bill Ritter, the Colorado Restorative Justice Coordinating Council (hereinafter referred to as the “RJ Council”) was created within the Judicial Department’s State Court Administrator’s Office (SCAO) pursuant to 19-2-213 C.R.S. During the 2017 State Legislative Assembly, the sunset provision for the Council was renewed and the authority for the Council’s duties relocated from 19-2-213 C.R.S. to 13-3-116 C.R.S.

1.2 PURPOSE AND DUTIES: Pursuant to 19-2-213 C.R.S., later relocated to 13-3-116 C.R.S., the RJ Council was created to provide leadership, assistance and education related to Restorative Justice Programs. The statute further enumerates several specific items of responsibility for the RJ Council which includes, to the extent resources permit:

- To serve as a central repository for information;
- To support the development of RJ programs;
- To assist with education and training; and
- To provide technical assistance as needed.

ARTICLE 2 - MEMBERSHIP

2.1. STATUTORILY DEFINED MEMBERSHIP: Pursuant to 19-2-213 C.R.S., later relocated to 13-3-116 C.R.S., the membership and appointing authority for appointments for the RJ Council shall be:

- A. A representative from a Statewide Juvenile Justice Council who is appointed by the Executive Director of the Department of Public Safety;
- B. A representative from the Division of Youth Corrections who is appointed by the Executive Director of the Department of Human Services;
- C. A representative from the Department of Public Safety who is appointed by the Executive Director of the Department of Public Safety;

- D. A representative from the Judicial Department who is appointed by the State Court Administrator;
- E. Two representatives from a Statewide Organization(s) whose primary purpose is related to the development and implementation of Restorative Justice Programs who are appointed by the Executive Director of the Department of Public Safety;
- F. A District Attorney with juvenile justice experience who is appointed by the Executive Director of the Colorado District Attorney's Council;
- G. A Victim's Advocate within the Judicial Department with Restorative Justice Experience who is appointed by the State Court Administrator;
- H. A representative from the Department of Education who is appointed by the Commissioner of Education;
- I. A representative from the State Board of Parole who is appointed by the Chair of the Parole Board
- J. A representative of the Department of Corrections who is appointed by the Executive Director of the Department of Corrections;
- K. A representative from a nongovernment statewide organization representing victims who is appointed by the Executive Director of the Department of Public Safety;
- L. Three restorative justice practitioners appointed by the State Court Administrator
- M. A representative of the Colorado Juvenile Parole Board appointed by the Chair of the Juvenile Parole Board.
- N. A judicial representative from Judicial Branch appointed by Chief Justice of the Supreme Court of Colorado
- O. A public defender representative from Office of the Colorado State Public Defender appointed by Colorado State Public Defender; and
- P. A Law Enforcement representative appointed by the State Court Administrator

2.2 COMPENSATION: Members shall serve without compensation, except as may be allowed by statute.

2.3 RELINQUISHMENT OF APPOINTMENT: In the event that a member of the RJ Council who was appointed to represent a designated profession, membership or population leaves or changes their role within their designated profession, membership or population, it shall be the decision of the group or agency being represented to determine whether or not to retain that person as their representative or to ask for a new appointment to replace that member.

2.4 MEMBER REMOVAL: If a member is detrimental to the RJ Council or if any problems occur between or among RJ Council members, restorative justice practices will be used in an effort to resolve the issue(s). If this is not successful, with a majority support of the RJ Council, the Chair would make contact with the agency this member represents to resolve the matter or request a replacement for the member.

ARTICLE 3- POLICY, PROCEDURES AND RULES

3.1 ADOPTION OF POLICIES AND PROCEDURES: In order to achieve the overall purpose of improving provision of restorative justice systems in the State of Colorado, the RJ Council shall from time to time adopt policies and procedures, which shall be set forth in

writing and maintained on file in the State Court Administrator's Office (SCAO). All policies and procedures adopted pursuant to this Article shall be open to public inspection in accordance with Judicial Department rules set forth in Chief Justice Directive 05-01 and Public Access to Information and Records Rule 2 (PAIRR2). RJ Council members shall be notified in writing of proposed policies and procedures not less than ten (10) working days prior to a regular or special meeting. Such policies and procedures may be amended or abolished upon approval by the RJ Council. The RJ Council shall maintain written documentation of all changes to policies and procedures. The RJ Council may deviate from a policy or procedure, for good cause shown, upon a majority vote of members present at the meeting where the question arises.

ARTICLE 4 – DUTIES OF RJ COUNCIL MEMBERS AND OFFICERS

- 4.1. RJ COUNCIL MEMBERS:** Members will uphold, maintain and model the principles and values of restorative justice in dealings with the RJ Council and stakeholders. Members will commit to regular meeting attendance and come to those meetings prepared to address the issues on the agenda. Designees shall not be considered as fulfilling attendance requirement nor be allowed to vote. When available, members will commit in-kind and actual resources to accomplish the RJ Council's activities. Members will remain mindful of opportunities to further the RJ Council's mission and bring such opportunities to the attention of the RJ Council. Members will act as liaisons to the groups or agencies they represent and bring information back to them regarding RJ Council activities.
- 4.2 CHAIR:** It is the intent of the RJ Council to rotate the office of Chair between a system-based or public sector representative and a community-based or non-profit representative from term-to-term, in alternation with the office of Vice-Chair. The Chair of the RJ Council ("Chair") shall be appointed by a majority vote of the entire RJ Council, and shall serve for an initial term of one year. In the event the Chair is available, he/she may be reappointed for a second term of one year by majority vote of the entire RJ Council.
- 4.3 VICE-CHAIR:** Appointments for Vice-Chair shall comply with the rotation format set out in Sec. 4.2 above. The Vice-Chair of the RJ Council ("Vice-Chair") shall be elected by a majority vote of the entire RJ Council, and shall serve for an initial term of one year. In the event the Chair is reappointed for a second term of one year, the Vice-Chair may also be considered for reappointment or otherwise replaced by someone meeting the alternation classification set out in 4.2 above. Unless otherwise unavailable to serve, the Vice-Chair succeeds the outgoing Chair at the end of the Chair's service, beginning with an initial term of one year. In the event the Vice-Chair is unavailable to succeed the Chair, a new Chair and Vice-Chair shall be elected as provided above, following the alternation set out in 4.2 above
- 4.4 TREASURER:** The Treasurer of the RJ Council ("Treasurer") shall be elected by a majority vote of the entire RJ Council, and shall serve for an initial term of one year and for such successive terms year by year as may be the will of the Council.

4.5 DUTIES OF CHAIR: The duties of the Chair, in coordination with the executive staff of the RJ Council, shall include the following:

- Presiding over RJ Council meetings while upholding the principles and values of restorative justice;
- Signing appropriate documents and correspondence;
- Preparing meeting agendas; calling special meetings; appointing subcommittee members; and
- Enforcing ethics, conflict of interest, and other provisions of these bylaws, and policies and procedures.

4.6 DUTIES OF VICE CHAIR: The duties of the Vice Chair shall be the same as those of the Chair, when the Chair is absent or has a conflict of interest.

4.7 DUTIES OF TREASURER: The Treasurer, in coordination with the executive staff of the RJ Council, shall bring budget proposals to the RJ Council, provide oversight to all funds received and disbursed from the RJ Cash Fund and any other funds supporting RJ Council activities., as duly budgeted and authorized by the Council, and shall perform all other financial responsibilities as may be directed by the Council from time-to-time.

4.8 CONFLICT OF INTEREST: If both the Chair and Vice Chair have a conflict of interest on any matter taken up by the RJ Council, the Chair shall designate another RJ Council member to preside over the RJ Council in that matter. Related procedures of the Council regarding conflicts of interest are set forth in these bylaws in Article 9 - Ethics and Conflict of Interest.

4.9 REMOVAL OF AN OFFICER: In the event that a restorative justice process has been tried and failed, any officer may be removed, with or without cause, at any time at any RJ Council meeting at which a quorum is present by a vote of two-thirds of the number of members then serving on the RJ Council.

4.10 OFFICER POSITION VACANCIES: If a vacancy occurs in the Chair position, the Vice-Chair will serve out the term of the previous Chair and then, as available, begin a regular one-year term as Chair. If a vacancy occurs in the Vice-Chair or Treasurer position, a new Vice-Chair or Treasurer will be determined by majority vote of the full RJ Council membership. Any appointments of a new Vice-Chair shall be in keeping with the rotation format set out in sec. 4.2 above.

ARTICLE 5 - MEETINGS

5.1 REGULAR MEETINGS: A regular meeting of the RJ Council shall be held at least six (6) times per year, with the Chair having the prerogative of calling special meetings as required. An annual calendar of meetings shall be provided at the first meeting of the year of the RJ Council. At least seven (7) days notice is required for any deviation from this calendar. For the purpose of regular meetings, notice shall be deemed to be given when the Notice of Time and Place of Meeting is posted via electronic communication to RJ Council members.

- 5.2 TELEPHONE MEETINGS:** Members of the RJ Council or of any committee may participate in a meeting through use of conference telephone or similar communication equipment, so long as all members participating in such meeting can hear one another. Participation in a meeting pursuant to this provision constitutes presence in person at such meeting.
- 5.3 SPECIAL MEETINGS:** Special meetings of the RJ Council may be called from time to time by the Chair, Vice Chair, or upon a written request made to the Chair or Vice Chair and agreed to by a majority of RJ Council members. Notice of Time and Place of Meeting shall be given to RJ Council members at least three (3) working days prior to the special meeting by telephone, electronic communication, or facsimile.
- 5.4 QUORUM:** In order to transact business, a majority of the members must be present at the meeting, and they shall constitute a quorum when half plus one of the members are present. If a quorum is not present at the scheduled time of the meeting, the Chair may convene the meeting for the purpose of informal discussion of the agenda items. However, no vote will be final until ratified by a quorum either when a quorum is reached at the current meeting or at the next regular meeting or by electronic vote as described in 5.8. Once declared, a quorum is not lost unless there are less than one-third of the members of the RJ Council present or, if at the discretion of the Chair, there is an inadequate number of members present to consider the issue presented.
- 5.5 ATTENDANCE:** Members must attend at least two-thirds (2/3) of the regularly scheduled meetings during the calendar unless his or her absence is excused by contacting the Chair prior to the meeting(s). Attendance may be by phone. Designees shall not be considered as fulfilling attendance requirements nor be allowed to vote.
- 5.6 DECISION-MAKING:** After a quorum is announced a motion that has been made and properly seconded may be approved by consensus agreement of the RJ Council. In the event a consensus is not reached, the Chair or Vice Chair conducting the meeting may call for a vote. A majority vote shall be sufficient to pass and make it the official act of the RJ Council, except as otherwise specified in the By-Laws or by the RJ Council's adopted policy. Where the vote is not unanimous, the number of ayes, nays, and abstentions will be recorded and entered in the minutes of the RJ Council's proceedings. Any RJ Council member may request a roll call vote.
- 5.7 PROXY VOTING:** RJ Council members who are not present may not vote by proxy.
- 5.8 DECISION-MAKING BY FAX OR ELECTRONIC COMMUNICATION:** Electronic communication may be allowed in the event that a decision must be made prior to the next regular meeting of the RJ Council. The Chair shall notify all eligible voting Members of the RJ Council by email or other means of electronic communication of the emergency decision and clearly describe the nature of the decision. The Chair shall indicate on the vote request the means by which each eligible voting member shall submit his or her vote. All vote

requests submitted by the Chair pursuant to this section shall clearly indicate a date and time certain upon which all eligible votes must be submitted. Any votes cast pursuant to this section shall be deemed invalid if submitted after the date and time indicated on the vote request. At the request of a majority of RJ Council members, the Chair may allow a delay of vote to a new date and time certain for further reflection and discussion.

5.9 VOTE OF CHAIR: When consensus is not reached and a vote is called, the Chair shall not vote except to break a tie vote. If the Chair abstains a tie vote is considered a defeat of the motion.

5.10 PARTICIPATION IN MEETINGS: The Chair may invite or allow non-members of the RJ Council to address the RJ Council.

5.11 AGENDA: The conduct of business will be pursuant to an Agenda prepared by the Chair of the RJ Council, in coordination with executive staff of the Council, and will be made a matter of record by minutes taken of business conducted during the meeting. The Agenda may be changed by consensus agreement of the RJ Council.

5.12 OPEN MEETINGS: The RJ Council will make reasonable efforts to provide public access to regular Council meetings and minutes, as well as opportunities for engagement in Council committee work by interested members of the public. As a Judicial Branch entity, the Council is not subject to Open Meetings and Records laws in Section 24, C.R.S. The Council retains discretion over which discussions and documents it deems executive, deliberative or draft in nature, and thereby not open to the public unless otherwise required under Judicial Branch rules (PAIRR 2).

ARTICLE 6- MINUTES AND RECORDS

6.1 APPROVAL AND RETENTION OF MINUTES: There shall be written minutes prepared of all regular and special meetings of the RJ Council, and said minutes of the meeting shall be approved by the members of the RJ Council at the next regular meeting. These minutes shall be posted on the RJ Council's website and be archived electronically.

ARTICLE 7 - COMMITTEES

7.1 EXECUTIVE COMMITTEE: The Executive Committee shall be composed of five (5) members: the Chair, the Vice Chair, the Treasurer, the immediate past Chair (or most recent available past Chair), and one RJ Practitioner Member elected by a majority vote of the RJ Council members. The RJ Practitioner Member shall serve for an initial term of one year and for such successive terms year by year as may be the will of the Council. The Executive Committee shall have the following duties: review all planning and budgeting matters; review all issues referred to it by the Chair, the executive staff or the State Court Administrator's Office; take action at the request of the RJ Council or as otherwise allowed by these Bylaws between regular RJ Council meetings; and advocate on behalf of the RJ Council.

7.2 AD HOC COMMITTEES: Such other committees, standing or special, shall be appointed by the Chair.

7.3 COMMITTEE MEMBERSHIP: The RJ Council Chair, except where otherwise stated, shall appoint all Ad Hoc committee members whether RJ Council Members or other interested parties. Committee Chairs shall be appointed from among the RJ Council members. All committee members shall serve in accordance with RJ Council policies.

7.4 POWERS: No committee shall act in any manner on behalf of the RJ Council without the specific authorization of said RJ Council.

7.5.1 MINUTES AND REPORT: Committee Chair persons shall report on committee activities at Regular RJ Council Meetings, with such reports noted in the minutes of the Regular RJ Council Meetings.

7.6 COMMITTEE MEETINGS QUORUM: A majority of the members then serving on a Committee constitutes a quorum for the meeting of the Committee, and the vote of a simple majority of those present at a meeting at which a quorum is present constitutes an action of the Committee. Each Committee shall determine and schedule its meetings and determine the guidelines for notifying the members of that committee of meetings.

ARTICLE 8 - ROBERT'S RULES OF ORDER

8.1 PARLIAMENTARY MATTERS: All matters not covered by the by-laws, rules, or policies and procedures approved by the RJ Council shall be governed by Robert's Rules of Order.

ARTICLE 9 - ETHICS AND CONFLICT OF INTEREST

9.1 DECLARATION: All RJ Council members, along with outside persons appointed to Council committees, shall make an annual affirmation and declaration in writing and deposit same with the Chair, in advance of the first regular Council or committee meeting of the calendar year. Such declaration shall be made on a form provided by the Council and must be submitted prior to participating in the business of the Council or its committees for the coming year. The affirmation and declaration shall state that the individual has read and agrees to the Council's Conflict of Interest bylaws and policies, and shall disclose any on-going interests a person may have with any agency, organization, close family or personal relationship or any other matter upon which the RJ Council may be anticipated to act in the normal course of business. In addition, at the beginning of each regular or special meeting of the Council or its committees, the Chair shall ask during the agenda review for disclosure of any interest or appearance of interest those present may have with any specific matter on that meeting's stated agenda. A similar disclosure shall also be offered at any time such a matter becomes newly apparent in the course of a meeting. Such disclosures and the Council's determination of how they shall be handled shall be included in the minutes. It is the responsibility of the Chair and each committee chair to enforce this section. In the event more discussion is deemed appropriate to resolve a more substantial or on-going duality of

interests or to provide more general oversight to the Council's COI policies and practices, the Chair may refer such matters to the Executive Committee for further discernment and recommendations.

9.2 ABSTENTION FROM MOTIONS, VOTING AND CONSENSUS DECISION-MAKING DISCUSSIONS: A RJ Council or committee member shall abstain from making a motion, seconding a motion, discussing a motion, or voting or participating in any consensus decision-making discussion on any matter in which the member has declared or been found by consensus or majority vote of the Council or committee to have an interest or appearance of interest. At the point that a conflict of interest is declared or otherwise determined, the member shall leave the room while the matter for which s/he has a conflict of interest is considered. The member will not discuss the matter(s) on which s/he has a conflict with other RJ Council or committee members until the matter(s) have been completed or resolved, except such limited communication as the Council or committee may deem helpful to their process and specifically request from such member. The abstention of one or more Council or committee members due to a conflict of interest shall not create a limitation on the Council or committee from awarding funds or entering into contracts or other transactions deemed to be fair and in the best interest of the Council, so long as this Article and any other COI policies and procedures adopted by the Council are followed.

9.3 IMPROPER INFLUENCE: A RJ Council or committee member shall not improperly influence the decision of any RJ Council, committee or staff member on any application for funds in which he or she or a closely related organization or individual has an interest. No RJ Council or committee member shall accept any stipend, fee, gratuity, or other consideration of any kind or nature from any person, unit, agency or organization for the purpose of influencing a vote, decision or recommendation of a RJ Council member or staff member on a matter before the RJ Council. Neither shall a Council or committee member release information obtained in the course of his or her duties which is privy to the Council or has yet to be released to the public, so as to create an advantage or favor to any person, unit, agency or organization in any application for funds or other business of the Council.

9.4 RESPONSIBILITIES OF MEMBERS: Any RJ Council or committee member may raise the question of a conflict of interest of any other member concerning votes on funding issues or other matters of interest before the Council or committee. The decision as to whether a conflict of interest exists shall be made by consensus decision of the RJ Council or committee. If consensus is not reached, the decision will be made by a majority vote of the RJ Council or committee. It shall be the responsibility of all RJ Council and committee members to notify the Chair of the RJ Council – or if the matter directly involves the Chair, the Vice-chair -- who may refer the matter on to the Executive Committee as appropriate. If a Council or committee member feels the matter has not been adequately addressed at this level, he or she shall inform the State Court Administrator's Office of any suspected violation or attempted violation of this article. Such a violation may be considered as cause, if substantiated, for removal from the RJ Council or its committees.

9.5 RESTORATIVE JUSTICE LEGISLATION: Members who serve on the RJ Council as

representatives of state agencies or representatives for other groups designated in the authorizing legislation should not unilaterally support RJ legislation without seeking the endorsement of their respective agency or representative group. Each member must obtain clarification from their agency or representative group regarding the process needed to obtain that endorsement. Sometimes the various partnering agencies lack information or do not see a connection to their agency priorities. Often state agencies or representative groups can move from a position of ‘neutrality’ on a bill to taking a position as a result of the urging of the RJ Council representative. Therefore, it is essential for each state agency or other group representative on the RJ Council to ensure that sufficient information is provided to the appropriate authority or representative group in order to obtain the proper endorsement for legislative action. The process of seeking state agency or representative group endorsement should occur several weeks in advance in order to allow plenty of time for members to work through the process of their respective agencies.

On occasions when the State or representative group has not taken a position in support of or opposing a particular piece of legislation (effectively taking no position), individual members of the RJ Council can support legislation not as representatives of the state agency or representative group but as independent community members. Their endorsement of any legislation as an independent community member should be footnoted with a clarifying statement such as, “This endorsement does not necessarily represent the views of the Colorado Department of _____ or _____ representative group.”

ARTICLE 10 - AMENDMENT OF BY LAWS

10.1 PROCESS TO AMEND BY-LAWS: These by-laws may be amended only by a majority of two-thirds of the entire RJ Council after a proposed amendment has received one presentation at a regular public meeting prior to full RJ Council action. Proposed amendments shall be distributed to the RJ Council members at least ten (10) days preceding the meeting at which that presentation will take place.

These by-laws supersede all previously enacted by-laws and shall remain in place until amended or abolished.

Date of Adoption: April 23, 2021

Monica Chambers
Monica Chambers, Chair
Colorado Restorative Justice Coordinating Council