

BRAIN INJURY COMMITTEE BY-LAWS

ARTICLE I. PURPOSE AND DUTIES

Consistent with 29 *Del. C.* § 8210(b)(10)(c), the Brain Injury Committee (“BIC” or “the Committee”) of the State Council for Persons with Disabilities (“SCPD”) shall:

1. Facilitate brain injury prevention;
2. Facilitate centralized interdisciplinary planning to prevent brain injuries and address the needs of persons with brain injuries; and
3. Improve service delivery systems for individuals with brain injuries.

Consistent with Article IV, Section B(3) of the SCPD by-laws, the BIC shall act as the following for Delawareans with brain injuries and their families:

1. A forum for the sharing and analysis of information;
2. A network to identify and facilitate acquisition of enhanced resources;
3. A technical assistance provider to educate public and private policymakers; and
4. An advocacy group to promote a consumer-oriented, effective injury and prevention service delivery system.

Consistent with Article IV, Section (B)(3) of the SCPD by-laws, the BIC shall have the authority to take action consistent with its charge without the approval of the full SCPD.

ARTICLE II. MEMBERSHIP

A. Consistent with 29 *Del. C.* § 8210(b)(10)(c), membership of BIC shall be composed of:

1. Director of the Division of Public Health;
2. Director of the Division of Developmental Disabilities Services;
3. Director of the Division of Substance Abuse and Mental Health;
4. Director of the Division of Aging and Adults with Physical Disabilities;
5. Director of the Division of Prevention and Behavioral Health;
6. Director of the Division of Vocational Rehabilitation;
7. Exceptional Children Director of the Department of Education;
8. Chair of the Governor’s Advisory Council for Exceptional Citizens;
9. Chair of the Developmental Disabilities Council;
10. A minimum of 3 survivors of brain injuries or family members of such individuals;

11. A representative of the state chapter of the Brian Injury Association of America;
12. A representative of the state "Protection and Advocacy Agency" as defined by 16 *Del. C.* § 1102; and
13. Representatives of prevention, planning, veterans, and service delivery organizations appointed by the State Council for Persons with Disabilities.

B. Vacancies

1. Any vacancy of a position under Sections A(11)-A(13) of this Article shall be filled by the respective council, committee, agency, or organization within 1 month.
2. Any vacancy of a member under Section A(10) of this Article shall be filled by the BIC as soon as is practicable.
3. Any member under Sections A(10)-A(13) of this Article who misses either three (3) consecutive meetings or four (4) out of any twelve (12) consecutive meetings shall be presumed to have resigned from the committee.

ARTICLE III. OFFICERS

- A. The Committee shall elect its own Chairperson and Vice-Chairperson (collectively "officers").
- B. Officers shall be elected by a simple majority of a quorum of the Committee.
- C. Officers shall serve two-year terms. There are no term limits.
- D. Officers shall be elected at the last Committee meeting before September and shall take office at the close of the meeting at which they are elected.
- E. The Vice-Chairperson shall serve in the absence of the chairperson
- F. If neither of the officers is present at a properly noticed and scheduled meeting of the Committee, a simple majority of a quorum of the Committee may elect a temporary chairperson to serve for the duration of the meeting.
- G. If the Chairperson resigns, the Vice-Chairperson shall assume the duties of the Chairperson for the remainder of the Chairperson's term.
- H. If the Vice-Chairperson resigns or assumes the duties of the Chairperson following the prior Chairperson's resignation, the Committee shall elect a new Vice-Chairperson to complete the term at the next Committee meeting.

- I. Any officer may be removed from office by a vote of two-thirds (2/3) of a quorum of the Committee at any properly noticed and scheduled meeting. The vacancies shall then be addressed using the procedures in paragraphs G or H of this article.

ARTICLE IV. SUB-COMMITTEES AND WORK GROUPS

Special sub-committees or work groups may be established by the Chairperson with the approval of a majority vote of a quorum of the Committee.

ARTICLE V. AMENDMENTS

These By-Laws may be adopted or amended by a majority vote of a quorum of the Committee at any meeting, provided that notice of any proposed changes has been given to all members of the Committee at least thirty (30) days prior to the meeting.

ARTICLE VI. MEETINGS

- A. The BIC will determine its own meeting schedule, times and locations, but there will not be less than six (6) meetings in each calendar year. The meetings will be open to the general public, held in an accessible place, and with reasonable accommodations as requested.
- B. A simple majority of total membership shall constitute a quorum, which will be necessary to vote on any issue or action.
- C. Members of the committee may, at their discretion, with prior written notice to the Chairperson, send designees to meetings. Designees shall count toward a quorum and may cast votes on their respective members' behalf.
- D. Minutes of each meeting shall be kept and shall be posted in a manner consistent with all applicable laws and regulations.
- E. Consistent with the Delaware Freedom of Information Act, 29 *Del. C.* §§ 10001-10007, members may attend meetings in person or by video-conferencing in a manner consistent with 29 *Del. C.* § 10006. The Chairperson may utilize an audio-conferencing system (e.g., a conference call) to permit persons to hear and participate in the meeting by telephone, but any member utilizing such a system shall not be counted toward a quorum or permitted to vote unless the Delaware Code is amended to permit full participation in meetings of public bodies by audio-conferencing.

ARTICLE VII. AGENDAS

- A. The Chairperson will determine the agenda for each meeting.
- B. Any Committee member may make a recommendation to the Chairperson for items to be placed on the agenda for an upcoming meeting.
- C. All requests for agenda items must be received by the Chairperson ten (10) days prior to the next meeting.

ARTICLE XIII. PROHIBITED ACTIVITIES

- A. No member of the Committee shall purport to represent the Committee to any person or organization (collectively “the public”) without a vote of a quorum of the Committee prior to any such representation. “Any person or organization” shall be construed broadly and specifically includes the Delaware General Assembly, State agencies, non-profit agencies, the press, and the general public.
- B. Paragraph A of this Article shall not limit members of the Committee from communicating with the public in their individual capacities. When necessary to prevent confusion, members of the Committee communicating with the public on subjects associated with the Committee shall affirmatively indicate that they are communicating as individuals and are not communicating on behalf of the Committee or as members of the Committee.

ARTICLE X. EFFECTIVE DATE

These By-Laws, and any amendments to these By-Laws, will become effective once accepted by a vote as outlined in Article V.

Approved and Adopted:

03/04/19

Date

Janney Clifton
Chairperson

Sharon G. Hynes
Vice-chairperson