

# Bylaws

## OJP Science Advisory Board

### Section I: Membership Selection, Responsibilities, Terms:

Members of the Office of Justice Programs (OJP) Science Advisory Board (Board) will be appointed by the Attorney General of the United States. The Board will have up to 26 members. Nominees will be identified through the Assistant Attorney General for OJP (AAG for OJP). Membership includes the responsibility to attend Board meetings in person or by its functional equivalent (teleconference, videoconference, webcast, etc.) and to contribute to the work of the Board. The OAAG reserves the right to remove any member at will and to determine eligibility for re-nomination. The length of each term, and the number of terms each member may serve, will be determined by the AAG for OJP.

### Section II: Member Vacancies and Effect on Term Limits:

In the event of a member vacancy caused by resignation, dismissal, incapacity, death, or otherwise, the AAG for OJP may nominate for the Attorney General's consideration a candidate to serve out the remainder of such former incumbent's term. The Attorney General will review the nomination and determine whether to make the appointment to fill the vacancy.

### Section III: Meeting Procedures:

Meetings shall be called by the Designated Federal Officer (the "DFO"), consistent with the following:

A. *Location*: The DFO shall select the location of the meetings.

B. *Quorum*: A majority of the member representatives shall constitute a quorum.

C. *Agenda*: The agenda for all meetings shall be prepared by the Board Chair, who shall distribute the approved agenda to the members prior to each meeting. The DFO shall publish an outline of the same, with the notice of the meeting, in the *Federal Register*. Items for the agenda may be suggested to the Chair by any member of the Board, and non-members, including members of the public.

D. *Minutes and Records*: The DFO shall prepare minutes of each meeting and shall distribute copies to each member. Minutes of open meetings shall be available to the public upon request; minutes of closed meetings also shall be available to the public upon request, subject to the withholding of matters exempt from disclosure under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, the public disclosure of which would be harmful to the interests of the Government, industry, or others. The minutes shall include a record of the persons present (including names of members, staff, and members of the public from whom written or oral presentations were made) and a complete and accurate description of the matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the Board.

All documents, reports, memoranda, presentations, substantive correspondence, background materials, or other materials prepared by, or for, the Board (including subcommittees) constitute official government records and shall be maintained by the DFO as required by the Federal Advisory Committee Act ("FACA"), 5 U.S.C. App. 2, and its implementing regulation, 41 C.F.R. 102-3.

E. *Open Meetings*. Unless otherwise determined in advance, meetings of the full Board shall be open to the public. All materials brought before, or presented to, the Board during the conduct of an open meeting, including the minutes of the proceedings of an open meeting, shall be available to the public. Members of the public may attend any meeting or portion of a meeting that is not closed to the public. The DFO may decide to exclude oral public comment during a meeting, in which case the meeting notice published in the *Federal Register* shall state that oral comment from the public is excluded and shall invite written comment as an alternative, as needed. Members of the public may submit written statements to the Board at any time.

F. *Closed Meetings*: Meetings of the full Board shall be closed only (1) in limited circumstances; (2) in accordance with applicable law; and (3) upon approval of the Office of the General Counsel, Office of Justice Programs in

accordance with the applicable regulations, not less than 30 days in advance of the session. Where the DFO has determined in advance that discussions during a Committee meeting will involve matters the public disclosure of which would be harmful to the interests of the Government, industry, or others, an advance notice of a closed meeting, citing the applicable exemptions of the Government in the Sunshine Act (5 U.S.C. § 552b), shall be published in the *Federal Register*. The notice may announce the closing of all or just part of a meeting (as applicable). If, during the course of an open meeting, matters inappropriate for public disclosure should arise during discussions, the DFO or Chair shall order such discussion to cease and shall schedule it for closed session. Notices of closed meetings shall be published in the *Federal Register* at least 15 calendar days in advance of same.

#### **Section IV: Voting:**

Any member who has a personal, financial, or organizational interest in any matter to be considered by the Board shall not participate in any discussion, vote, or other action of the Board with respect to that matter, and shall be asked to recuse himself from those portions of the meeting until the discussion, vote, or other action concerning that matter has been concluded; any member with such an actual or apparent conflict of interest shall immediately notify the Chair and the DFO in advance of any discussion, voting, or other action undertaken by the Board on the particular issue or action that creates the conflict. Actions or endorsements of the Board will be approved by either consensus or majority vote of members in attendance.

#### **Section V: Operating Rules:**

The administration of the Board shall be in accordance with the FACA.

#### **Section VI: Selection of Chairperson and other Officers:**

A Chair shall be selected by the AAG for OJP.

The AAG for OJP may also appoint a Vice Chair to assist the Chair.

Chairs and Vice Chairs can be replaced at the will of the OJP AAG.

#### **Section VII: Role of Board Officials:**

*Chair.* The Chair shall establish Board priorities, identify issues to be addressed at meetings, serve as a point of contact for members, exercise parliamentary authority, and perform the duties prescribed by these Bylaws and by the authority adopted by the Board.

*Vice-Chair.* If a Vice-Chair is appointed, the Vice-Chair shall preside over Board meetings in the absence of the Chair, serve as an additional point of contact for members, and perform the duties prescribed by these Bylaws and by the parliamentary authority adopted by the Board.

*Executive Committee.* The Executive Committee consists of the Chair, the Vice-Chair if there is one appointed, and the Chairs of the Board Subcommittees. The Executive Committee will support the Chair in performing duties prescribed by these Bylaws and by the authority adopted by the Board.

*Designated Federal Officer.* The DFO serves as the government's agent for all matters related to the Board's activities. As provided by law, the DFO is responsible for: (1) calling (or approving the call of) meetings of the Board; (2) attending all meetings; (3) adjourning meetings when such adjournment is in the public interest; and (4) ensuring the minutes are certified within 90 calendar days of the meeting.

Furthermore, the DFO is responsible for providing adequate staff support to the Board, including but not limited to the performance of the following functions: (1) notifying members of the time and place of each meeting; (2) maintaining records of all meetings, including subgroup or working group activities, as required by law; (3) maintaining the roll; (4) preparing the minutes of all meetings of the Board's deliberations, including subgroup and working group activities as required by law; (5) attending to official correspondence; (6) maintaining official Board records and filing all papers and submissions prepared for or by the Board, including those items generated by subgroups and working groups; (7) acting as the Board's agent to collect, validate and pay all vouchers for pre-approved expenditures; and (8) preparing and handling all reports as required by FACA.

The Designated Federal Officer is supported by one or more Deputy Designated Federal Officers who will undertake responsibilities related to providing staff support to the Board as delegated by the DFO.

### **Section VIII: Expenses and Reimbursement:**

Expenses related to the operation of the Board will be borne by OJP. Board members do not receive compensation for their time. Expenditures of any kind, such as reimbursement for board members' travel to and from Board meetings, must be approved in advance by the DFO.

### **Section IX: Subcommittees:**

The Chair, with the approval of the OJP AAG, may establish subcommittees with input from the Board.

The OJP AAG, in consultation with the Chair, will select a chair for each subcommittee, who shall represent the position of the subcommittee at regular meetings of the full Board. Per regulations, subcommittees reporting to the Board are generally not bound by FACA public notice or open meeting requirements. Under the Federal Advisory Committee Act, subcommittee members need not be appointed members of the Board.

### **Section X: Media, Press Releases:**

Any press releases, responses to media inquiries, or responses to FOIA requests, concerning the activities of the Board shall be prepared by the Office of Justice Programs.

### **Section XI: Amendments:**

These By-Laws may be amended from time to time by the AAG for OJP.

Executed this 25<sup>th</sup> day of April, 2016, by:



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Karol V. Mason, Assistant Attorney General

Office of Justice Programs, U. S. Department of Justice