

**DEPARTMENT OF JUSTICE**  
**VICTIMS' COMPENSATION ASSISTANCE PROGRAM ADVISORY COUNCIL**  
Statutory Authority: 11 Delaware Code, Section 9004 (11 Del.C. §9004)

**FINAL**

**ORDER**

**302 Bylaws Governing the Victims' Compensation Assistance Program Advisory Council**

The Victims' Compensation Assistance Program's Advisory Council of the State of Delaware has adopted the final Bylaws, State of Delaware, Victims' Compensation Assistance Program, Advisory Council, attached hereto. The Bylaws will govern the actions of the Advisory Council.

**Decision of the Advisory Council**

The Victims' Compensation Assistance Program Advisory Council reviewed the proposed Bylaws over the course of several meetings and authorized the final draft at the meeting held on April 14, 2015.

**Statutory Basis or Legal Authority to Act:**

Title 11 Delaware Code, Chapter 90, Section 9003. The Bylaws are being filed pursuant to Section 10113(b) of the Administrative Procedures Act.

**Text of Rules Adopted**

The final version of the Bylaws of the Advisory Council is attached hereto.

ADOPTED, the 14th day of April, 2015, by the members of the Victims' Compensation Program Advisory Council.

Lisa Ogden, Director

**302 Bylaws Governing the Victims' Compensation Assistance Program Advisory Council**  
**April 14, 2015**

**Article I**

**Advisory Council Authority and Purpose**

- 1.1 Authority. The Victims' Compensation Assistance Program Advisory Council (hereinafter the "Advisory Council") exists by authority of Title 11 of the Delaware Code, Chapter 90, Sections 9003 and 9004, as amended.
- 1.2 Purpose. The General Assembly established the Advisory Council within the Department of Justice in order to advise and assist the Victim's Compensation Assistance Program and Appeals Board by providing the input and perspectives of members from a variety of backgrounds and experience in working with crime victims.
- 1.3 Function. The Advisory Council shall have the following functions, powers and duties:
- (a) to review and comment on such rules and regulations as are proposed by the Victims' Compensation Assistance Program ("VCAP");
  - (b) to serve in an advisory capacity to VCAP and the Appeals Board;
  - (c) to recommend the adoption, amendment, or rescission of rules, regulations and policies implementing Chapter 90 of Title 11 of the Delaware Code; and
  - (d) in its discretion to prepare an independent annual report describing the Advisory Council's activities.

**Article II**

**Membership**

- 2.1 Composition. The Advisory Council shall consist of eleven total members, four sitting *ex officio*, and seven at-large members appointed by the Governor. The membership of the Advisory Council shall be as follows:
- (a) The Attorney General or the Attorney General's designee;
  - (b) The Chair of the Victim's Rights Task Force or the Chair's designee;
  - (c) The Chair of the Domestic Violence Task Force or the Chair's designee;

- (d) The Chair of the Sexual Assault Network of Delaware or the Chair's designee;
- (e) seven at-large members as follows:
  - (1) one member from the medical profession;
  - (2) one member from the mental health profession;
  - (3) one law-enforcement advocate working with a Delaware police agency;
  - (4) one member of the public residing in the City of Wilmington;
  - (5) one member of the public residing in New Castle County;
  - (6) one member of the public residing in Kent County; and
  - (7) one member of the public residing in Sussex County.

## 2.2 Term.

- (a) The terms of the at-large members appointed by the Governor shall be three years or until a new member is appointed by the Governor. Where an at-large member serves in a holdover capacity for beyond the three-year term, the term of the appointed successor member shall run from the end of the original three-year term.
- (b) The membership year shall begin upon the approval of the Governor of the at-large member's appointment.
- (c) At-large members may be reappointed for consecutive terms at the discretion of the Governor, without limitation on total service time.
- (d) An at-large member may resign or may be removed by the Governor at any time.
- (e) The Governor shall be notified that a vacancy of an at-large position has occurred within thirty days of the Advisory Council learning of such vacancy.
- (f) The Governor shall fill a vacancy of an at-large position on the Advisory Council within thirty days through the appointment of a qualified replacement.
- (g) In case of a vacancy on the Advisory Council before the expiration of member's term, a successor shall be appointed by the Governor to serve the remainder of the unexpired term.

## 2.3 Roles and Responsibilities of Advisory Council Members.

- (a) The Advisory Council shall monitor the balance in the State of Delaware Victims Compensation Fund through reports from the VCAP Director showing aggregate funds received and aggregate disbursements to victims and claimants.
- (b) The Advisory Council shall review the nature and volume of claims submitted to VCAP, with particular attention to areas or types of compensation that appear to be either inadequate or excessive.
- (c) The Advisory Council shall examine opportunities for VCAP to recover funds through restitution and reimbursement from collateral sources.
- (d) The Advisory Council shall work with VCAP in identifying caps and limits on categories of compensation that may be necessary to insure the solvency of the Victims' Compensation Fund.
- (e) The Advisory Council shall review and comment on proposed regulations prepared by VCAP prior to publication in the *Register of Regulations* and, in its discretion, on proposed regulations published in the *Register of Regulations*.
- (f) The Advisory Council shall solicit, review, and comment on VCAP statistical compilations, procedural manuals, and publications pertaining to VCAP operation.
- (g) The Advisory Council shall review and offer advice on the operation of the Appeals Board.
- (h) The Advisory Council shall engage in activities reasonably related to fulfillment of its functions compiled in §1.3 of the Bylaws.

## **Article III** **Officers and Duties**

### 3.1 Officers.

- (a) The Officers of the Advisory Council shall consist of a Chair, a Vice Chair, and a Secretary.
- (b) The Advisory Council shall select a Chair for a one-year term by vote of a simple majority of members at a meeting where a quorum is present. The elected Chair shall be eligible for re-election for successive terms.
- (c) The Advisory Council shall elect members to serve as the Vice-Chair and Secretary for a one-year term by a simple majority vote of members at a meeting where a quorum is present. The elected Vice-Chair and the Secretary shall be eligible for election for successive terms.

### 3.2 Duties.

- (a) The Chair shall:
  - (1) preside over all meetings;
  - (2) establish committees, work groups, and task forces, and appoint members to chair such groups;
  - (3) serve as the liaison between the Advisory Council and both VCAP and the Appeals Board; and
  - (4) perform such other duties as the Advisory Council may determine.
- (b) The Vice Chair shall:
  - (1) assume the duties of the Chair in his/her absence; and
  - (2) act as parliamentarian.
- (c) The Secretary shall be responsible for the timely preparation of accurate meeting minutes.

## **Article IV** **Meetings**

### 4.1 Number of Meetings.

- (a) Meetings may be called by the Chair. The Advisory Council shall meet at least four times a year, and in such places as it deems necessary.
- (b) Meetings of committees, work groups, and task forces shall be scheduled with the approval of the Chair and due notice to all Advisory Council members.

### 4.2 Public Notice. All regular Advisory Council meetings shall be publicly announced sufficiently in advance of the dates they are to be held to ensure that all interested parties have an opportunity to attend; shall be open and accessible to the general public; and shall be held in accordance with the Delaware "Freedom of Information Act" (Title 29, Chapter 100 of the **Delaware Code**).

### 4.3 Quorum.

- (a) A quorum for any meetings of the full Advisory Council shall consist of 40% of the appointed members in attendance.
- (b) A call for quorum may be made at the beginning of each regularly scheduled meeting and may be verified at any time during the meeting.
- (c) A simple majority of the quorum may transact of any business of the Advisory Council.

### 4.4 Minutes.

- (a) Draft meeting minutes shall be compiled by the Secretary, or in the Secretary's discretion, by VCAP staff, consistent with §9005 of Title 11 of the **Delaware Code**.
- (b) The minutes shall include a record of those members present and a record, by individual members, of each vote taken and action agreed upon.
- (c) The Secretary shall authorize VCAP staff to electronically post draft minutes of meetings to the State of Delaware website within 20 working days of the meeting. Prior to being posted, draft minutes shall be distributed to members of the Advisory Council.
- (d) Draft minutes may be revised and corrected until approved by the Advisory Council at its next meeting. The final approved minutes shall be posted on the State of Delaware website within five business days of approval.

## **Article V** **Committees**

### 5.1 Committees.

- (a) Standing and special committees, work groups, and task forces may be appointed by the Chair as deemed necessary to carry on the work of the Advisory Council.
- (b) The Chair shall be an ex-officio member of all committees.

### 5.2 Executive Committee.

- (a) The Advisory Council will maintain an Executive Committee of three members consisting of the Chair, Vice Chair, and Secretary.
- (b) The Executive Committee may exercise all powers of the Advisory Council between meetings, exclusive of the power to amend the Bylaws.
- (c) Written notice of all action taken by the Executive Committee shall be given to members no later than the next Council meeting.

**Article VI**  
**Conflict of Interest**

- 6.1 Conflict of Interest. No member of the Advisory Council may cast a vote on any matter that is likely to provide a direct financial benefit to that member, or to an organization or business in which that member has a financial or ownership interest, or with which that member has an employment relationship. No member shall otherwise give the appearance of a conflict of interest as defined more specifically under 29 Delaware Code Chapter 58, the "State Employees', Officers' and Officials' Code of Conduct", which is incorporated herein by reference thereto.
- 6.2 Consultation. Any member of the Advisory Council may seek guidance with respect to a potential conflict of interest, by disclosing the nature of the potential conflict, and seeking an advisory opinion from the Deputy Attorney General assigned to the Advisory Council.

**Article VII**  
**General Provisions**

- 7.1 Amendment of Bylaws. Bylaws may be amended by a two-thirds (2/3) majority of the members, voting at a meeting where a quorum is present. Proposed changes to the Bylaws shall be submitted in writing to the membership a minimum of thirty (30) days prior to the vote.
- 7.2 Robert's Rules of Order. Rules of precedence of motions and other parliamentary procedures not specified herein shall be governed by Robert's Rules of Order.

**18 DE Reg. 885 (05/01/15) (Final)**