

**COLORADO  
DOMESTIC VIOLENCE OFFENDER  
MANAGEMENT BOARD**

**BY-LAWS**



**COLORADO DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD  
Colorado Department of Public Safety, Division of Criminal Justice  
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**COLORADO  
DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD**

**By-Laws**

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**COLORADO  
DOMESTIC VIOLENCE OFFENDER MANAGEMENT BOARD  
BY-LAWS**

**ARTICLE 1**

**NAME**

The official name of this group is the Domestic Violence Offender Management Board (hereinafter Board).

**ARTICLE 2**

**PURPOSE AND AUTHORITY**

The general purpose of the Board is: "to standardize the evaluation, treatment, and continued monitoring of domestic violence offenders at each stage of the criminal justice system, so that such offenders will be less likely to offend again, and the protection of victims and potential victims will be enhanced" C.R.S. The Board is instructed throughout the legislation to implement its mandate with public safety and victim protection as its highest priorities.

The Colorado Domestic Violence Offender Management Board derives its existence and authority from Title 16, Article 11.8, Sections 101-104 C.R.S..

The DVOMB *Standards for Treatment with Court Ordered Domestic Violence Offenders (hereafter Standards or Standards and Guidelines)* have purview over individuals who are placed on probation, placed on parole, or placed in community corrections who on or after January 1, 2001, have been convicted of, pled guilty to, or received a deferred judgment and sentence for any domestic violence offense as defined in § 18-6-800.3 (1), C.R.S. Additionally, the Board also maintains purview over pre-sentence evaluations<sup>1</sup> and certain pre-trial diversion programs which received state funding<sup>2</sup>.

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<sup>1</sup> Partners in Change, L.L.C., v. Eric Philp, Chair of the Domestic Violence Offender Management Board, and the Domestic Violence Offender Management Board within the Division of Criminal Justice in the Colorado Department of Public Safety  
<sup>2</sup> § 18-1.3-101(5), C.R.S.

## ARTICLE 3

### STATUTORY RESPONSIBILITIES AND DUTIES

**STATUTORY RESPONSIBILITIES:** The statutory responsibilities of the Board are cited in § 16-11.8-103(4)(a), C.R.S. and are carried out through the combined coordination and execution between the Board and staff located in the Office of Domestic Violence and Sex Offender Management (hereafter ODVSOM). These mandates defined in statute include but are not limited to:

#### Key Statutory Responsibilities

- Adopt and implement *Standards and Guidelines* for a system of programs for the treatment of domestic violence offenders on probation, parole, or community corrections;
- Develop and implement methods of intervention for domestic violence offenders that prioritize the physical and psychological safety of victims and potential victims, and that are appropriate to the needs of the particular offender without reducing level of safety of victims and potential victims;
- Adopt and implement a standardized procedure for the treatment evaluation of domestic violence offenders;
- Develop and prescribe a system for tracking offenders who have been evaluated and treated;
- Develop a system for monitoring offender behavior and offender adherence to prescribed behavioral changes;
- Develop and prescribe a system for implementation of the *Standards and Guidelines* developed by the Board;
- Research and analyze effectiveness of treatment evaluation & treatment programs and procedures;
- Develop and publish an application and review process;
- Publish and maintain a list of approved providers;
- Establish procedure to refer complaints to DORA for resolution.

**BOARD DUTIES:** The duties of the Board in fulfilling these statutory mandates are to provide governance and establish research-informed policies which enhance victim safety and promote offender rehabilitation on behalf of the State of Colorado.

**STAFF DUTIES:** The duties of Staff in the Office of Domestic Violence and Sex Offender Management (hereafter ODVSOM) are to support the Board's facilitation and development of sound policy, create procedures for the implementation of policies ratified by the Board, and ensure that there are mechanisms for transparency and participation by key stakeholders and members of the public.

## ARTICLE 4

### MEMBERSHIP

**APPOINTEES:** The Board shall consist of nineteen members specified in C.R.S. 16-11.8-103. By policy and practice, the Board shall include and invite other interested and qualified parties in the carrying out of its duties and purpose. Representation and appointing authorities are as follows:

<b>Number of Individuals</b>	<b>Stakeholders Represented</b>	<b>Appointing Authority</b>
1	Colorado Judicial Department	Chief Justice of the Colorado Supreme Court
1	Judges	
1	Colorado Department of Corrections	Executive Director of the Colorado Department of Corrections
1	Colorado Department of Human Services	Executive Director of the Colorado Department of Human Services
1	Colorado Department of Regulatory Agencies	Executive Director of the Colorado Department of Regulatory Agencies
1	Prosecuting attorneys	Executive Director of the Colorado District Attorney's Council
1	Public defenders	Colorado State Public Defender
5	Mental health professionals <ul style="list-style-type: none"> <li>• 3 of which must be DVOMB Approved Providers</li> <li>• 3 of which must be licensed mental health professionals</li> </ul>	Executive Director of Public Safety
1	Private defense attorneys with input by the Colorado Defense Bar	
2	Domestic violence victims and victim organizations	
1	Rural areas and local coordination of criminal justice and victim services advocacy for domestic violence	
1	Urban areas and local coordination of criminal justice and victim services advocacy for domestic violence	
1	Law enforcement	
1	Public Safety	

#### **APPLICATION AND NOMINATION PROCESS FOR BOARD MEMBERSHIP:**

For appointments made by the Colorado Department of Public Safety (hereafter CDPS), the Board shall solicit applications and nominations for consideration in determining the best qualified individual. When multiple applications and nominations are received, the Board may require a panel consisting of staff and Board members to interview prospective applicants. The Board may also consider applicants who previously applied or were nominated within the past 12 months. Interviews shall be impartial, non-discriminatory, and humane, resulting in a recommendation for the Executive Director of CDPS to consider in whom to appoint to the Board.

For appointments made by organizations other than the CDPS, the Board staff shall notify the appointing authority when a vacancy exists. Board staff may make recommendations to the appointing authority to consider, but it is ultimately the decision of the appointing authority.

#### **NEW BOARD MEMBER ORIENTATION:**

All newly appointed Board members shall receive an orientation to the Board no later than 3 months following their respective appointment date. This orientation shall cover the following areas of the Board:

- Statutory Mandates
- Board Composition
- Member Roles and Responsibilities
- Administrative Policies
- Procedures for Governance
- Ethics and Conflicts of Interest
- Overview of the *Standards*

**TERM OF APPOINTMENT:** Board members shall serve a term of four years; no member shall serve more than eight consecutive years. All Board members shall have an understanding of the dynamics of domestic violence.

**COMPENSATION:** Board members shall serve without compensation, but may be reimbursed for actual expenses directly related to the activities of the Board, consistent with state law and state fiscal rules.

**RELINQUISHMENT OF APPOINTMENT:** Board members are appointed to represent a designated profession, membership, or population. Board members leaving their designated profession, membership or population, and therefore no longer meeting the criteria by which they were appointed to the Board, shall relinquish their appointment effective the date they no longer hold that position.

**TEMPORARY ABSENCE:** Board members of the board who wish to continue serving in their

role may request in writing, permission from the Executive Committee for a temporary absence no longer than six months.

**ALTERNATE MEMBERSHIP:** Members of the board who will be absent from a meeting may designate an alternate non-member who meets the qualifications of their represented position to attend the board meeting in their absence. These non-members may act as a Board member with exception to voting by proxy.

## **ARTICLE 5**

### **CHAIRPERSON AND VICE CHAIRPERSON**

**APPOINTMENT OF THE CHAIR:** The members of the board shall elect the Chair by a majority vote. The Chairperson shall serve for a term of two years and may be re-elected so long as their respective Board term has not expired.

**APPOINTMENT OF THE VICE CHAIR:** The Board Chairperson shall nominate and the Board shall approve a Vice Chairperson from among the membership, who shall serve for a term of two years and who may be re-elected so long as their respective term has not expired.

**DUTIES OF THE CHAIR:** The duties of the Chairperson shall include:

- Presiding over Board meetings;
- Participating in the Executive Committee meeting;
- Signing appropriate documents and correspondence;
- Calling special meetings as necessary;
- Establishing Committees and task groups, and appointing the Chairs of Committees; and
- Enforcing ethics and conflict of interest provisions of these By-laws and CDPS policies.

**DUTIES OF THE VICE CHAIR:** The duties of the Vice Chairperson shall be the same as those of the Chairperson, when the Chairperson is absent or has a conflict of interest on any matter taken up by the Board or any Committee or work group.

**CONFLICT OF INTEREST:** If both the Chairperson and Vice Chairperson have a conflict of interest on any matter taken up by the Board, the Chairperson shall designate another Board member to preside over the Board in that matter.

## **ARTICLE 6**

### **MEETINGS**

**REGULAR MEETINGS:** The Board shall conduct regular meetings at least quarterly, and may schedule more meetings as needed. Members shall be notified of the date, time and location of meeting at least seven (7) days in advance of the meeting.

**SPECIAL MEETINGS:** The Chairperson, on an as needed basis, may call special meetings with seventy-two (72) hour notice to Board members.

**ATTENDANCE:** Board members are expected to attend every regular meeting. In the event a Board member cannot attend, the Board member shall so notify the staff liaison. Participation by telephonic or electronic means shall be deemed as actual attendance.

**ABSENCES:** Three absences over a calendar year, or a pattern of partial attendance shall trigger a review of the ability of the member to participate in the Board's duties and responsibilities. After review, the Chairperson shall have the option of asking the Board member to resign and initiating the process to replace the Board member.

**AGENDA:** The conduct of business will be pursuant to an agenda prepared by the staff liaison with the approval of the Board Executive Committee. The agenda will be made a matter of record by minutes taken of business conducted during the meeting.

Board agendas shall be organized and labeled using the following terms:

- **Presentation** – Provides information, training, and knowledge to the Board.
- **Discussion** – Requires input, feedback, and guidance by the Board.
- **Initial Review** – Identifies possible changes under for the Board to consider before consensus or a vote is rendered.
- **Consensus** – An informal voting procedure used when a formal vote is not required.
- **Vote** – A formal vote is required in matters that involve a change in the Standards or policies of the Board, or when consensus cannot be obtained by the Board.

**ADDITIONS TO AGENDA:** Any Board member may add an agenda item to a regular or special meeting of the Board by calling or writing the staff liaison at least seven (7) days in advance of the meeting, subject to the approval of the Chairperson. Agenda items may also be added to meeting agendas at the time of the meeting by majority vote of the Board.

Members of the public may request to add an agenda item to the meeting by calling or writing the staff liaison at least seven (7) days in advance of the meeting, subject to the approval of the Chairperson and the Executive Committee.

**MINUTES AND OFFICIAL DOCUMENTS:** Minutes and official documents shall be kept of all regular and special meetings of the Board and Committee meetings, and shall be approved at the next appropriate meeting. Minutes and official documents shall (e.g. handouts, presentations, approved documents) shall be kept in accordance with CDPS policy.

**OPEN MEETING:** Board and Committee meetings are subject to the Open Meeting Law (Section 24-6-401 and 402, C.R.S.). Meeting agendas shall be made accessible online for the public no later than seven (7) days prior to the date the meeting is scheduled. To the extent possible, drafted minutes, handouts, and other documents under review



shall be made available no later than seven (7) days prior to the meeting when possible. Upon adjournment of the meeting, Board staff will post ratified minutes and documents from the meeting. Documents which are considered confidential or subject to Executive Session are excluded from these requirements.

**PUBLIC PARTICIPATION:** The Board and Committees meetings shall encourage participation from the public throughout the policy process, and prior to the ratification of any policy.

## **ARTICLE 7**

### **QUORUM**

**DETERMINATION OF QUORUM:** If a quorum is not present at the scheduled time of the meeting, the Chairperson may seek consensus by Board members present to continue a roll call for a period of time not to exceed one and one half hours. During this time, the Board may not engage in any activities related to the discussion, revision, or approval of policies or *Standards* until a quorum is present. If a quorum is not determined after the roll call period, then the meeting shall be adjourned. A quorum is maintained so long as eleven (11) Board members are present. Should a Board member leave for the remainder of a meeting before it has adjourned, then the Board member shall inform the Chair or a Board staff for the record.

## **ARTICLE 8**

### **BOARD VOTING AND DEVELOPMENT OF CONSENSUS**

**VOTING:** By policy and practice, the Board will work to develop consensus on issues under consideration by the Board. When consensus is not possible, a majority vote of the Board members on a motion, which has been seconded, shall be the official decision of the Board. The member making the motion and the member seconding the motion shall be recorded in the minutes. When the vote is not unanimous, the number of votes in favor, in opposition, and abstaining shall be recorded and entered in the minutes of the Board's proceedings.

Board members who serve on the Application Review Committee will not vote on appeals regarding the denial of a provider to be listed or remain on the provider list or on complaints against listed providers in which they were a party to the decision. Voting will occur among the remaining members of the Board.

Decisions of any Committee shall be made using the Board's process, unless otherwise directed and specified in Article 13.

**PROXY VOTES:** Only Board members may cast votes. Board members may not vote by proxy.

**CONFLICTS OF INTEREST:** A Board member shall abstain from voting in accordance with the Conflict of Interest from Article 9.

**VOTING WHEN NOT PHYSICALLY PRESENT:** Voting may be done through electronic means when requested by Board members or as requested by the Chair. When electronic modes are used for purposes of voting (e.g. telephone, WebEx, etc.), those attending meeting remotely must announce their vote and be acknowledged by the Chair. Under no circumstances are votes submitted by email acceptable forms of voting for the Board. Voting results shall be reported at the next meeting through the minutes.

**VOTE OF THE CHAIR:** The Board Chairperson shall vote in all decision items.

## **ARTICLE 9**

### **ETHICS AND CONFLICT OF INTEREST**

**DECLARATION OF A CONFLICT OF INTEREST:** Board members shall follow the DVOMB Conflict of Interest Policy, approved on November 8, 2019. All Board members shall make an annual declaration in the form specified in the Conflict of Interest Policy. In accordance with the Conflict of Interest Policy, the Division of Criminal Justice will maintain those records. Every Board member will follow the Conflict of Interest Policy related to procedures related to disclosure and recusals. Any recusal during a regular, special, or Committee meeting of the Board, will be included in the minutes. The board member shall recuse themselves from any discussion of a topic if a conflict of interest is declared.

**PROHIBITIONS:** No Board 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 Board member or staff member on a matter before the Board.

## **ARTICLE 10**

### **POLICIES AND PROCEDURES**

In order to achieve its statutory mandates, the Board shall adopt administrative policies and procedures which shall be set forth in writing and which shall be on file at the CDPS. Such policies and procedures may be amended as necessary. The Board may deviate from a policy or procedure for good cause upon a majority vote of members present at the meeting where the question arises.

## ARTICLE 11

### STAFF LIAISON

Within the fiscal resources available, the Division of Criminal Justice shall provide a staff liaison to the Board, designated by the Director of the Division of Criminal Justice. It shall be the duty of the staff liaison or designee to attend all regular and special meetings of the Board, provide administrative staff functions for the Board, and coordinate with the Chairperson, other Board members and the general public on behalf of the Board.

The Staff Liaison shall serve as the official spokesperson and public contact person for the Board. The Board Chairperson may provide this function as necessary and appropriate.

## ARTICLE 12

### CONSULTATION TO THE BOARD

The Board or any Committee of the Board, with the permission of the Chairperson, may consult with experts to supplement the expertise of the Board and to assist in making informed decisions. The Board may also request or receive expertise and input from non-Board members on matters of general *Standards* development, research, or implementation of its mandates.

## ARTICLE 13

### POLICY PROCESS

The Board utilizes a five-step policy and decision-making process in identifying, revising, and approving changes to the *Standards* and policies of the Board.



## **ARTICLE 14**

### **COMMITTEES AND WORK GROUPS**

**COMMITTEES AND WORKING GROUPS:** Committees and work groups of the Board shall meet on an as needed basis. Recommendations of Committees and work groups shall be ratified by a majority of Board members at a regular or special meeting, unless authority for decision-making is otherwise delegated to the Committee or task group by a majority of the Board.

All Committees shall:

- Be led by a current Board member as Chairperson and a designated Vice-Chairperson whom may or may not be a Board member;
- Follow the ODVSOM Committee Standard Operating Procedures;
- Adhere to the Committee scope of work;
- Solicit and engage relevant and key stakeholder groups;
- Publish all meeting materials by email and through the website in advance of any Board or Committee meeting no later than 7 working days before any meeting;
- Refer and consider research and literature prior to making decisions on policy or governance;
- Provide opportunities for public input and discussion so long as it does not adversely interfere or degrade the governance and policy-making process;
- Publish meeting minutes to the website no later than 7 working days after the meeting adjourns;
- Provide remote access to all meetings and encourage participation from across the state;
- Submit oral or written Committee reports to the Board at least quarterly.

#### **APPOINTMENT PROCEDURES:**

**Chairs and Vice Chair Appointments:** When a Committee is convened by the Board, the Executive Committee shall nominate a Chairperson for that committee who may then be appointed through consensus by the Board. Committee Chairpersons shall serve for a term of two years and may be re-appointed so long as their respective Board term has not expired. Committee Chairpersons may select a Vice Chair whom may be appointed by consensus of the Executive Committee.

#### **COMMITTEE VOTING PROCEDURES:**

Unless specified and approved by the Board, Committees vote by consensus and do not maintain records of individual votes. Committee members should be aware of direct or potential conflicts of interest as Board members or non-Board members. Committee recommendations to the Board are consider to be a prepared motion to accept when introduced at the Board meeting for a vote.

**VOTING WHEN NOT PHYSICALLY PRESENT:** When a vote is required at the Committee level (e.g., the Application Review Committee), votes may be cast using electronic modes (e.g. telephone, WebEx, etc.) as requested and approved by the Committee Chair. Votes at the Committee level may be cast by email if there is a time-sensitive matter or as a last resort when all other options to obtain a vote have been exhausted. When voting by email is used, a time frame for submitting the vote shall be established by the Committee Chairperson or Board staff. Those who were not present or familiar with the agenda item to be voted upon shall abstain from the vote. Voting results shall be reported at the next Committee meeting through the minutes.

**COMMITTEE CREATION AND CHARTER PROCEDURES:** Committees created by the Board shall only address tasks or products as directed by the Board. Committees are overseen by the Executive Committee and supported by staff.

If the Committee identifies an additional task, concern, issue, or project of benefit that falls outside of its specified scope of work, the Committee Chair should present the matter to the Board or Executive Committee for discussion regarding whether or not the Board has the purview. If the matter is within the Board's purview, the Board or Executive Committee may decide next steps on modifications to the Committee Scope of Work based on the prioritization of agenda items, availability of resources, and the ability to address the matter.

#### **Guidelines for Creating New Board Committee**

##### **I. Purpose**

- a. Clear statement regarding charge of the Committee
- b. Define the scope of Committee work
- c. Identify any Standard(s) that are relevant to be reviewed and considered for revision
- d. Articulate specific goals and tasks
- e. Identify any deadlines that may be relevant

##### **II. Board Assignment of Committee Type**

- a. Standing or Ad Hoc Committee
- b. Appointed Membership or Non-Appointed Membership

##### **III. Chair and Co-Chair**

- a. Identify Board member responsible for leading the Committee
- b. Co-Chair: if appropriate

##### **IV. Supporting Materials Needed**

- a. Research
- b. Meeting minutes
- c. Other

## **V. Identified Stakeholders**

## **VI. Board Staff Contact**

### **SPECIAL COMMITTEES**

**Executive Committee:** The Executive Committee offers direction for agenda items based on board discussion, statutory mandates, and directives. The membership of this Committee includes the Board Chair, Vice Chair, ARC Chair, one At-Large Board Member who serves an appointment of two years, and DVOMB staff as appropriate and necessary. This Committee does not make official Board decisions. The Committee may:

- Create and propose agendas for full Board meetings
- Frame agenda items for discussion, including the strategy for introducing the item to the rest of the Board and identifying any needed background material
- Address scheduling issues of both the Board and Committees
- Develop draft criteria for whether Board should consider issues outside of its statutory scope
- Develop a mechanism by which Board sentiments can be expressed for items outside of statutory scope
- Consider possible changes to improve effectiveness and efficiency of board meetings
- Make recommendations to the Board for the creation, delegation, continuance, termination of Committees or workgroups
- Perform other duties as requested by the Board.

**Application Review Committee:** The Application Review Committee (ARC) serves as the delegated arm of the Board who is charged with decision making authority for applications, complaints, *Standards Compliance Reviews*, and other administrative action. The ARC consists of Board members who are appointed by the ARC Chair and then confirmed through consensus by the Board. The composition of ARC should reflect a balance of DVOMB Approved Providers, non-DVOMB Approved Providers, and professionals who are involved in the case management of post-conviction offender services.

The Committee may utilize consultants as necessary and desirable in background investigations of applicants and in the investigation and resolution of complaints  
The following duties have been delegated to the ARC by the Board:

- To review intent to apply, applications for placement, and determine if the applicant shall be placed on the Provider List.
- To require applicants or Approved Providers to demonstrate compliance with the *Standards*.
- To review re-applications and determine if the applicant shall be maintained on the Provider List.
- To process and provide recommendations to the Department of Regulatory Agencies (DORA) regarding complaints against Approved Providers, and determine the appropriate disposition of the complaint based on the final disposition made by DORA. All providers who are denied placement on the Provider List and all complaints that are within the purview of the *Standards* are subject to appeal, which will be heard by the Board.
- To oversee *Standards* Compliance Reviews.
- To review and approve variance requests submitted by Approved Providers. Chair may request for a variance to be reviewed by the Board.
- To refer any appeals of the ARC's decision to the Board.

#### **ARTICLE 15**

#### **ROBERT'S RULES OF ORDER**

Robert's Rules of Order shall govern all matters not covered by the by-laws.

#### **ARTICLE 16**

#### **AMENDMENT OF BY-LAWS**

These by-laws may be amended by consensus or a 2/3 majority vote of the Board, after a proposed amendment has received one reading at a regular meeting. Proposed amendments shall be distributed to Board members at least ten (10) days preceding the meeting at which the reading will take place.

Date of Adoption 11/8/19

  
 \_\_\_\_\_  
 Chairperson, Colorado Domestic Violence Offender  
 Management Board

*de Home 12/15/19*

## APPENDIX

### DEFINITIONS

**Board:** Colorado Domestic Violence Offender Management Board as identified in Section 16, Article 11.8, Section 103, C.R.S..

**Consultant:** Any person, organization or other entity approved by the Chairperson upon recommendation of the Board, Committee, task group or staff liaison to perform work or act in the capacity of advisor to the Colorado Domestic Violence Offender Management Board.

**Domestic Violence Offender Management Board Approved Provider List:** The published list of Domestic Violence Approved Providers who have been determined, by the Application Review Committee, to meet the qualifications required by the *Standards* to provide assessment, evaluation, treatment and behavioral monitoring of domestic violence offenders.

**Standards for Treatment with Court Ordered Domestic Violence Offenders (Standards):** The document published by the Colorado Domestic Violence Offender Management Board, originally in January 2001 and any subsequent published revisions, which establishes the *Standards and Guidelines* for the treatment of convicted adult domestic violence offenders and the *Standards* to be met by qualified domestic violence offender treatment providers, in order to be included on the Domestic Violence Offender Management Board Approved Provider List.

**Quorum:** A majority of total Board positions shall constitute a quorum. Vacant positions on the Board do not affect the calculation of a quorum and shall be treated as an absence.