

Bylaws of the Board on Public Safety Standards and Training

Applicant Review Committee

Article I

NAME, PURPOSE, and POWERS

The Applicant Review Committee, established by Oregon Administrative Rule (OAR) 259-006-0010, is charged with the responsibility of reviewing discretionary professional standards cases where the public safety professional is a new applicant for DPSST training and certification and the professional standards case is based on a criminal disposition that occurred prior to employment in public safety. Pursuant to OAR 259-006-0010 and OAR 259-008-0290, the Board delegates the authority to determine whether to deny or not deny public safety professional certifications, including determining how long an individual will be ineligible for certification when certification is denied, to the Applicant Review Committee.

Article II

MEMBERSHIP, APPOINTMENTS, RESIGNATION and TERMINATION

Membership. Membership is defined in OAR 259-006-0010.

Appointments. Appointments to the Applicant Review Committee are conducted pursuant to OAR 259-006-0010. The public member of the Board will serve by virtue of the position.

The term of an appointed member is one year. An appointed member may be reappointed to a second term.

Committee vacancies will be handled in the same manner as an initial appointment.

Resignation and Termination. Resignation from the committee must be submitted in writing to the Applicant Review Committee chairperson and the chairperson of the member's Policy Committee.

A member's term will be automatically revoked if the member is no longer eligible to serve on the Policy Committee, they are representing due to a change in employment or organizational affiliation.

The Board chairperson may remove a committee member for just cause or at the request of a Policy Committee.

Article III

MEETINGS and QUORUM REQUIREMENTS

Meetings. Meetings will be held in accordance with Oregon Public Meetings Law (ORS 192.610-192.690). The Committee will meet at such times and places as determined by the DPSST in coordination with the Committee Chairperson.

Meeting Agendas. The DPSST will prepare the meeting agenda in advance of each meeting. Discussions and actions of the committee will not be limited to agenda items. Discussions and actions may include any business consistent with the duties and responsibilities of the committee.

Participation. Any committee member with an open DPSST professional standards case is prohibited from participating in committee meetings. Any absence from a committee meeting as a result will count as an excused absence.

Quorum. A majority of the committee constitutes a quorum.

Voting. Committee members serve on the committee to review the discretionary professional standards cases opened pursuant to OAR 259-008-0290. The Board delegated its authority to review and dispose these cases to the Applicant Review Committee. Only officially appointed members may vote.

All issues to be voted on shall be decided by a majority of the quorum at the meeting in which the vote takes place. The Chair is a voting member.

Committee member votes must be recorded by conducting a verbal roll call.

Past committee decisions will not dictate precedence for future committee decisions.

Conflicts of Interest/Potential Conflict of Interest.

To abstain from a vote is a failure to perform an important function granted to a committee member. In accordance with Oregon Revised Statute (ORS) 244.020(1) a committee member is met with an actual conflict of interest when participating in a policy committee official vote, which would result in a financial benefit or detriment to the policy committee member, a relative of the committee member or a business with which either is associated with. In accordance with ORS 244.020(13) a committee member is met with a potential conflict of interest when participating in a policy committee official vote, which could result in a financial benefit or detriment to the policy committee member, a relative of the committee member or a business with which either is associated with. Absent compelling circumstances committee members should not abstain from voting.

If a committee member is met with a conflict of interest, the committee member must publicly announce the nature of the conflict of interest before participating in any allowable official vote on the issue giving rise to the conflict. The announcement must be made in a public meeting.

Following the public announcement of the nature of a potential conflict of interest, the committee member may participate in official action on the issue that gave rise to the conflict of interest. Following the public announcement of the nature of an actual conflict of interest, the committee member must refrain from further participation in official action on the issue that gives rise to the conflict of interest.

Exception: If a committee member is met with an actual conflict of interest and the committee member's vote is necessary to meet the minimum number of votes required for official action, the committee member may vote. The committee member must make the required announcement

of their conflict of interest and refrain from any discussion or debate but may participate in the required for official action by the policy committee, pursuant to ORS 244.120(2)(b)(B).

Conflicts of Interest. Conflicts of interest occur when a committee member has competing interests or loyalties related to a professional standards case being presented to the committee for disposition. Whenever a committee member has an actual financial or personal interest in any matter coming before the committee, the affected member should disclose the nature of the interest and withdraw from any discussion or voting on the matter.

Any discussion or vote involving a potential or perceived conflict of interest should be disclosed. Members experiencing a potential or perceived conflict of interest will be allowed to participate in discussions, recommendations, or votes upon declaring their ability to remain unbiased. The minutes of meetings at which such votes are taken shall record such disclosure, abstention, and rationale for participation.

Records. The transactions of every public meeting of the committee will be recorded in the form of minutes and will be made available to the public. Minutes will reflect the subject and outcome of each vote. Records will be retained in accordance with the Secretary of State Archives Division Records Retention Schedule for DPSST/BPSST.

Article IV

ELECTION of OFFICERS, RESPONSIBILITIES

Chairperson. The chairperson will convene and preside over meetings of the committee and sign on behalf of the committee as required by law. The chairperson will represent the committee at Board meetings and before all public bodies as needed. The chairperson will perform other duties as assigned by the Board.

Vice Chairperson. The vice chairperson will perform the duties of the chairperson in the chairperson's absence and, when acting in this capacity, will have all the powers and authority of the chairperson.

Election. Election of a chairperson and vice chairperson will be held at the first committee meeting of the year or as necessary. The members of the committee will select the chairperson and vice chairperson by nomination and a majority vote of the committee.

Committee Members. Committee members will review and dispose discretionary professional standards cases in accordance with OAR 259-008-0290.

Article V

AMENDMENTS TO BYLAWS

These bylaws may be amended by a majority vote of the members of the committee at any regular meeting, provided the proposed amendment or amendments have been sent to each committee member at least five working days prior to the meeting.

These bylaws were approved at a meeting of the Applicant Review Committee on February 22, 2023.