



Bylaws

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Contents

Contact Information2

Contents3

Part 1. General Provisions1

Part 2. Membership.....2

Part 3. Board Officers6

Part 4. Meetings8

Section H. Robert’s Rules of Order, Newly Revised9

Part 5. Committees.....9

Part 6. Board Employees 10

Part 7. Adoption of Bylaws; Amendments 12

Version History 12

Part 1. General Provisions

Section A. Creation of the Board

1. The Minnesota Competency Attainment Board (Board) was created by the Minnesota Legislature in 2022. The requirements for the composition and responsibilities of the Board are outlined in Minn. Stat. § 611.56.
2. The Board is an independent agency within the judicial branch that is not subject to the administrative controls of the Minnesota Supreme Court or the State Court Administrator's Office.

Section B. Duties of the Board

1. Pursuant to Minn. Stat. § 611.56, subd. 2, the Board will create and administer a statewide, independent competency attainment system that certifies competency attainment programs and uses forensic navigators to promote prevention and diversion of people with mental illnesses and cognitive impairments from entering the legal system, support defendants with mental illnesses and cognitive impairments, support defendants in the competency process, and assist courts and partners in coordinating competency attainment services.
2. The Board shall:
 - a. Approve and recommend to the legislature a budget for the Board and the forensic navigator program,
 - b. Establish procedures for distribution of funding under this section to the forensic navigator program,
 - c. Establish forensic navigator standards, administrative policies, procedures, and rules consistent with statute, rules of court, and laws that affect a forensic navigator's work,
 - d. Establish certification requirements for competency attainment programs, and
 - e. Carry out the programs under Minn. Stat. §§ 611.57, 611.58, and 611.59.
3. The Board may:
 - a. Adopt standards, policies, or procedures necessary to ensure quality assistance for defendants found incompetent to stand trial and charged with a felony, gross misdemeanor, or targeted misdemeanor, or for defendants found incompetent to stand trial who have recurring incidents,
 - b. Establish district forensic navigator offices, and
 - c. Propose statutory changes to the legislature and rule changes to the supreme court that would facilitate the effective operation of the forensic navigator program.

Part 2. Membership

Section A. Board Membership and Qualifications

1. The Board must consist of seven (7) members, including:
 - a. Four (4) members appointed by the governor, at least one of whom is a mental health professional with experience in competency attainment, and
 - b. Three (3) appointed by the supreme court, at least one of whom must be a defense attorney, one a county attorney, and one public member.
2. The appointing authorities may appoint a retired judge but not an active judge to be a member of the Board.
3. Board members are appointed to four-year terms and may serve until their successors are appointed and qualify until July 1st of the year in which a term expires unless reappointed.
4. Members must demonstrate an interest in maintaining a high quality, independent forensic navigator program and a thorough process for certification of competency attainment programs.
5. Members shall be familiar with competency related statutes and rules, in particular Competency Proceedings, Minn. Stat. §§ 611.40 – 611.59, Minnesota Rules of Criminal Procedure, Rule 20; and Civil Commitment, Chapter 253B.
6. At least three members of the Board shall live outside the First, Second, Fourth, and Tenth Judicial Districts.
7. Except as otherwise provided in these bylaws, decisions of the Board shall be by majority vote of those present and voting, but not less than one-half of the Board members then serving. Each member shall have one vote. Members may vote only when present in the meeting; there shall be no proxy voting.

Section B. Removal

1. A member may be removed by the appointing authority at any time
 - a. For cause, after notice and hearing, or
 - b. After missing three consecutive Board meetings.
2. The Board Chair shall inform the appointing authority of a member missing the three consecutive meetings. After the second consecutive missed meeting and before the next meeting, the Chair shall notify the member in writing that the member may be removed for missing the next meeting.
3. In the case of removal for cause, the appointing authority may initiate removal for by providing notice to the Chair and the intended date for effect of the removal. As of the date of effect, the

Board member who is the subject of the removal notice cannot vote or make or second any motions on any Board or committee business pending the conclusion of the removal hearing.

4. Upon receipt of notice of removal for cause, the Chair shall inform the member for which the removal notice applies and schedule a special meeting within seven (7) days, but no sooner than 48 hours from receipt of the notice. If a regularly scheduled Board meeting is within that time, the Chair may hold the hearing at the beginning of the regularly scheduled meeting.
 - a. The Chair must clearly say when the removal hearing begins and the basis for cause to remove. The Board may meet in closed session if appropriate to maintain confidentiality of information regarding Board employees.
 - b. During the hearing, the appointing authority or its designee must be allowed to address the basis for cause. If no one appears on behalf of the appointing authority, the Chair must address the basis for cause on the behalf of the appointing authority.
 - c. The member subject to removal must also be allowed to respond but is not required to offer a response.
 - d. After the initial presentation of cause and response, the Board may receive additional examples or explanations regarding the circumstances surrounding the basis for cause. The Board removal hearing is not a judicial proceeding and is not bound by the rules of evidence in considering information and cannot make binding determinations.
 - e. The Board may, but is not required to, respond to the notice of removal for cause agreeing, disagreeing, or remaining neutral on the issue of removal.
 - f. After there has been an opportunity for each of the above stages, the appointing authority may retract, modify, or continue with the notice of removal. Unless retracted, the removal takes effects effect immediately after the hearing is concluded.
5. When the removal of a member results in a vacancy on the Board, the appointing authority shall appoint a person to fill the vacancy for the remainder of the unexpired term.
6. If the Chair is the subject of removal, then the Vice Chair shall assume the duties noted in this section.

Section C. Policy on Per Diems

1. Board members shall not receive compensation for their Board service unless indicated in these bylaws.
2. A per diem may be paid for the following Board-related activities:
 - a. Attending Board meetings and Board committee meetings unless the meeting is less than an hour.
 - b. Attending legislative hearings, meetings with legislators, or meetings with other parties relating to legislative activities.
 - c. Attending local, state, or national association meetings.
 - d. Attending, participating, or presenting at a meeting or conference when invited to attend, participate, or present as a Board representative.
 - e. Attending other meetings or activities as approved by the Board.
 - f. Travel time necessary to participate in the activities listed above.

- g. Reviewing and/or creating materials in preparation for any of the activities listed above, placing, or receiving telephone calls regarding Board business, or other miscellaneous activities related directly to Board business when approved by the Board.
- 3. Board members may only receive one per diem per day.
- 4. A per diem shall not be paid to Board members who are being compensated by their public, private, or nonprofit employer for that day, if a major part of their Board activities occurs during normal work hours for which they are paid by their employer.
- 5. If seeking any compensation, Board members will become familiar with and comply with Minn. Stat. § 214.09, subd. 3(b) which governs per diem compensation for members who are state employees or employees of the political subdivisions of the state as it relates to the use of vacation or comp time, and childcare expenses.
- 6. Members may be compensated at the rate of \$55 a day plus expenses as authorized above or approved by the Board. If a Board member requests more than three per diems in a 30-day period, the Board must review the request.

Section D. State and Board Policy on Expenses

- 1. Board members are entitled to reimbursement for necessary expenses undertaken on behalf of the Board.
- 2. Board members can be reimbursed for the cost of hotel or similar rental accommodations when traveling on Board approved business. Board members traveling on Board approved business exercise good judgment to ensure lodging costs are reasonable and get the lowest rate possible by asking for a government rate. Board members must stay at licensed facilities and will not be reimbursed for stays at non-licensed facilities. Board members traveling on Board approved business will be reimbursed for hotel expenses for themselves only.
- 3. Board members can be reimbursed for food and beverage costs for in-person Board and Committee meetings. Costs should be reasonable and consistent with Board and Program Administrator finance policies and procedures.
- 4. Board members can submit expense reimbursement requests for other expenses incurred on behalf of Board approved business. The Program Administrator may deny reimbursement or authorize partial reimbursement as appropriate.
- 5. Board members will submit expense reimbursement requests within 30 days of incurring the expense.

Section E. Communications

Board members will comply with the Board's "one voice" policy and will refrain from writing letters or engaging in other kinds of communication in the name of the Board unless the communication(s) have been specifically authorized by the Chair or the Board.

Section F. Code of Conduct

1. Board members are expected to conduct themselves ethically and in a businesslike manner. This commitment includes proper use of authority and appropriate decorum in group and individual behavior when acting as Board members.
2. The Board values:
 - a. A supportive and respectful work environment for our members and employees,
 - b. A diverse and representative work force,
 - c. A workplace where employees and those we serve are treated fairly and equitably,
 - d. Appreciation, acknowledgment, and acceptance of individual differences,
 - e. Employees and Board members who take responsibility for modeling appropriate behavior and assuring respectful behavior of others.
3. Board members must represent unconflicted loyalty to the interests of the citizens of Minnesota. This accountability supersedes any conflicting loyalty such as advocacy for other groups, organizations, employers, or other boards or agencies. This accountability supersedes the personal interest of any member acting as an individual consumer of the Board's services.
4. Board members will comply with all pertinent state laws and regulations.
5. If a Board member has a conflict of interest in a matter before the Board, the member shall declare the conflict and may not vote on the matter. In addition to these restrictions, if the conflict of interest is known in advance and is financial in nature, the member must prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest and deliver a copy of the statement to the Board Chair.
6. There must be no self-dealing or any conducting of personal business or personal services between any member and the Board. Board members may not seek employment within the agency for themselves and may not advocate for family members or anyone else whose employment would financially benefit the Board member.
7. Board members may not attempt to exercise individual authority over the Board or Board employees except as explicitly set forth in Board policies. No individual Board member has authority over the Program Administrator or individual employees.
8. Board members shall not engage in a business or professional activity that might reasonably require the disclosure of confidential information acquired through their Board position.
9. Board members shall not use their role on the Board to secure a special privilege or exemption from the normal processes of the agency for themselves or another person.
10. Board members shall not intentionally or knowingly disclose any confidential information gained as a member information concerning the property, operations, policies, or affairs of the Board, or use such confidential information for pecuniary gain.

11. Complaints related to violations of this Code of Conduct must be referred to the Executive Committee. The Executive Committee, in consultation with the Attorney General's Office, will determine the appropriate course of action, including but not limited to informing the appointing authority for the member. If the complaint is against a member of the Executive Committee, the member must recuse themselves from the committee's deliberations and decisions on the complaint.
12. A Board member who has a personal or professional relationship with an individual who is the subject of a complaint filed with the Board or the subject of action considered by the Board shall recuse themselves from participation in the Board's consideration of the complaint or action.

Part 3. Board Officers

Section A. General

1. The Board shall have two officers consisting of a Chair and a Vice Chair.
2. Board officers shall serve terms of two years until successors are elected or until they no longer meet membership criteria. Terms begin immediately after the meeting in which the election occurs or immediately upon the assumption by the Vice Chair of the Chair position. If a vacancy occurs for Chair and there is more than thirty days before the next bi-annual election, the Vice Chair assumes the role of Chair. If a vacancy occurs for Vice Chair, and there is more than thirty days before the next bi-annual election, a special election must be held within 30 days.
3. A Board member may only serve in a specific officer position for three terms. When calculating terms for determining eligibility for service, a term serving in one officer position does not qualify as a term for service in the other. If a Board member serves a partial term due to a vacancy, the term served is counted as one term for the purposes of this section only if it begins within three hundred and sixty-five (365) days since the most recent bi-annual election.
4. A vacancy occurs when a Board member resigns from the officer position or no longer meets membership criteria to serve on the Board for any reason including removal.
5. An officer may resign only by submitting a written resignation to the Chair.
6. The Chair or Vice Chair may be removed by a majority vote of the Board members. Any vacancy shall be filled as provided in these bylaws.

Section B. Elections

1. The Board shall have elections for officer positions bi-annually. Both the Chair and the Vice Chair shall be elected from the Board members during the same meeting.
2. The Chair must announce the date for upcoming elections at least 30 days in advance and the election must occur between June 1st and July 31st of the year in which the two-year terms is scheduled to end.

3. Special elections may be called to fulfill a vacancy for an officer position. Special elections are conducted in the same manner as elections but do not require 30 days' notice and same be scheduled as needed at any time.
4. During elections, the Board must first elect a Chair and then separately elect a Vice Chair. A Board member may nominate themselves or be nominated by another member. If nominated by another member, the nominated member must accept or decline the nomination. Nominated members are not required to speak on their behalf but must be given the chance to do so. After nominated members speak, the remaining Board members must be allowed to speak. The Board the proceeds with a vote for the candidates for that officer position.
5. The method of voting may be determined by the Board; however, each member only has one vote, but the tally of votes must be available for review if requested. If there is a tie between two candidates, the winner will be determined by a coin flip. If there is a tie between three or more candidates, the candidates with the most votes will roll a die and the highest number rolled determines the winner.

Section C. Duties of the Chair

The Chair shall perform the following duties:

1. Preside at Board meetings.
2. Preside at Executive Committee meetings.
3. Serve as the principal spokesperson for the Board. The Chair is the only person authorized to represent the Board except for the Program Administrator and other Board members who are authorized by the Board to represent the Board on specific issues.
4. Appoint committees and committee chairs to perform duties of the Board, with the Board's approval.
5. Call special Board meetings as needed.
6. Call Executive Committee meetings as needed.
7. With the approval of at least one other Executive Committee member, take emergency action on behalf of the Board. Emergency action must be reported to the Board as soon as possible.
8. Inform the appointing authority of a Board member missing three consecutive meetings.
9. Work with the Program Administrator to ensure the Board is well-informed about key issues facing the agency and the agency is following Board direction.

Section D. Duties of the Vice Chair

Duties of the Vice Chair include but are not limited to:

1. Preside at Board meetings in the absence of the Chair.
2. Assist the Chair as requested.
3. Serve on the Executive Committee.
4. Serve as the Board's liaison to the Certification Advisory Committee unless the Board has selected another member as liaison.

Part 4. Meetings

Section A. Regular Board Meetings

1. The Board shall keep a regular meeting schedule. Changes to the schedule must be announced thirty (30) days in advance of any changes. The frequency of meetings may vary depending on the business needs but will occur no less than eleven (11) times per calendar year. The Board's meeting schedule will be posted on the Board's website.
2. The Board's Chair may cancel any meeting that is not considered necessary given the business before the Board except if doing so would cause the Board to not meet the minimum number of meetings per year.
3. The Board's meetings will be held virtually unless determined otherwise by the Board. When meeting virtually, the Board shall meet through a program, or programs previously agreed upon by the Board.
4. A member is considered present during a meeting whenever they can take part in the meeting by hearing all other members present at the same time, can be heard by the other members when speaking, can make motions, discussing items of business, and can take part in voting.

Section B. Special Board Meetings

Special meetings may be called by the Chair or the executive committee to conduct essential business prior to a scheduled meeting. Special meetings will be posted on the Board's website.

Section C. Closed Board Meetings

The Board may close a portion of a meeting to conduct confidential business, such as discussing allegations or charges against an individual subject to the authority of the Board, to evaluate the performance of an individual subject to the authority of the of the Board, or to discuss or receive legal advice that requires maintenance of confidentiality to preserve attorney/client relationship. Prior to closing any meeting, the Chair shall state on the record the specific grounds permitting the meeting to be closed.

Section D. Quorum for Board Meetings

The presence of a majority of the serving Board members constitutes a quorum at Board meetings. No official business may be acted on without a quorum.

Section E. Minutes of Board Meetings

Minutes will be kept of all Board meetings and submitted to the Board for approval at the Board's next meeting. The minutes are effective after having been approved and will be posted to the Board's website.

Section H. Robert's Rules of Order, Newly Revised

1. Proceedings of the Board and committees are governed by Roberts Rules of Order, Newly Revised, except as superseded in these bylaws and applicable law.
2. The Chair does not need to require a second to have an action item brought before the Board when the action item is regarding the adoption or amendment of minutes, an agenda, or scheduling.

Part 5. Committees

Section A. Executive Committee

The Executive Committee consists of the Board Chair and the Vice Chair. The previous Board Chair may serve as an ex-officio member in a non-voting capacity unless the previous Board Chair was removed by either the Board or the appointing authority. The Board Chair is the Chair of the executive committee. The duties of the executive committee include but are not limited to:

1. At the request of the Chair, meeting between meetings of the Board to address matters identified by the Chair. If appropriate, the executive committee will make recommendations to the Board.
2. Regularly reviewing and making recommendations to the Board on amendments to the bylaws.
3. Conducting annual performance reviews of the program administrator.

Section B. Certification Advisory Committee

The Board shall designate one member to act as a liaison between the Board and the Certification Advisory Committee. The Certification Advisory Committee shall make recommendations to the Board via the liaison member. The Board shall review, request more information, or make decisions regarding the recommendations in a timely manner.

Section C. Ad Hoc Committees

1. The Board may create ad hoc committees to address issues specified by the Board upon a majority vote of the members present at the meeting. Upon creation, committee members are appointed by the Board Chair. The Board Chair shall appoint one member to function as chair for the committee. The committee shall review the issue(s) specified and when appropriate, make recommendations to the Board.
2. Board committees may consist of Board members, employees, members of the Certification Advisory Committee, and members of the public as appointed by the Chair. Unless required under law, public members of committees may not be compensated, even for expenses incurred. Individuals interested in serving on a committee must express their interest to the Chair and program administrator.
3. Appointments to chair a committee or serve on a committee shall be in effect for one year and may be renewed by the Board Chair.
4. The Chair has the authority to appoint or remove members from committees for effective committee composition.

Part 6. Board Employees

1. It is the Board's policy to provide a work environment that ensures equitable opportunities and mutual respect for all employees, and to place the dignity of the employees, as well as the clients it serves in the highest regard.
2. Board employees must avoid conflicts of interest and follow all Board policies and administrative policies.
3. Each employee receives compensation and benefits as determined by their position and the Board's compensation plan for that position.

Section A. Program Administrator

1. The Board shall appoint a program administrator who serves at the pleasure of the Board.
2. The program administrator shall attend all meetings of the Board and the Certification Advisory Committee, unless excused by the Chair, but may not vote.
3. The program administrator shall:
 - a. conduct all administrative functions necessary for the efficient and effective operation of the Board and the program, including, but not limited to hiring, supervising, and disciplining program staff and forensic navigators,

- b. implement, as necessary, resolutions, standards, rules, regulations, and policies of the Board,
 - c. keep the Board fully advised as to its financial condition, and prepare and give to the Board the annual program and budget and other financial information as requested by the Board,
 - d. recommend to the Board the adoption of rules and regulations necessary for the efficient operation of the Board and the program, and
 - e. perform other duties prescribed by the Board.
- 4. The program administrator is authorized to make all decisions, take all actions, and develop all activities that are true to the Board's policies. This does not prevent the Board from obtaining information about activities in the delegated areas. The Board may take Board action to re-assign or delegate areas of authority.
- 5. The program administrator shall not cause or allow any practice, activity, decision, or organizational circumstance which is either imprudent or in violation of commonly accepted or professional ethics, law, or state policy.
- 6. Information and advice to the Board from the program administrator will be timely, complete, and accurate based on the information available at the time.
- 7. The program administrator shall avoid conflicts of interest in awarding purchases or other contracts.
- 8. Unless the Board decides otherwise, it is presumed that all Board authority delegated to employees is delegated through the program administrator, so that all authority and accountability of staff can be phrased as authority and accountability of the program administrator.
- 9. No individual Board member, officer, or committee (except the Executive Committee) has authority over the program administrator. Information may be requested, but if such request, in the program administrator's judgment, requires a materials amount of employee time, it may be declined.
- 10. As the Board's primary official link to the operating organization, the program administrator is accountable for all organizational performance and exercises all authority transmitted into the organization by the Board.

Section B. Other Staff

- 1. The program administrator shall hire other employees, based on federal, state, and bargaining unit regulations as applicable.
- 2. The program administrator shall be responsible for designing, changing, and operating an effective employee organization to meet the Board's mission and strategic goals.

Section D. Complaints About Employees

A Board member who has a complaint about the performance of a Board employee should bring their concerns to the Board Chair. If the complaint is about an employee other than the program administrator the Chair may refer the matter to the program administrator.

Part 7. Adoption of Bylaws; Amendments

1. The bylaws take effect upon approval by five (5) Board members.
2. Amendments of these bylaws may be made by a vote of five (5) Board members.

Version History

Version	Description	Date
1.0	First Implementation	October 2024
2.0	Technical Revisions: A. Contact Information Updated with new MNCAB Office Address. B. Page 3, Section A, #5 – Removed the reference to a member needing to be a former forensic navigator based on statutory update. C. Page 4, Section B, #5 – Removed the reference to the governor’s office needing to seek advice and consent from the senate to appoint a member as not applicable to MNCAB. D. Page 5, Section D, #3 – Updated the reference for costs to be based on MNCAB policies and procedures rather than catering options to make approval more efficient and consistent.	October 1, 2025