

Morgan Hill USD ~~Claremont Unified School~~ District

Board Policy

Censure of Individual Board Members for Improper Conduct

BB 9323.3

~~The members of the Board of Education of the Claremont Unified School District (the "District") recognize that both the Board of Education of the District (the "Board"), as an entity, and each specific Board Member, as an individual fiduciary to the District, are bound to comply with a variety of statutory, regulatory and administrative rules and regulations in performing their roles and responsibilities as a Board and as individual members. By way of example, these obligations include, but are not limited to, compliance with the requirements of the California Education Code, the Ralph M. Brown Act, the Educational Employment Relations Act, the California Code of Administrative Regulations, the Board Policies and Administrative Regulations developed by the Board, itself, and the specific directives and admonitions that the Board issues from time to time.~~

~~The Board also recognizes that, despite the Board's best efforts, from time to time individual Board members may disregard or ignore their obligations as a Board member and take actions, make statements or otherwise engage in conduct that violates the individual Member's obligations under statute, regulations, Board policy or Board direction. It is the Board's sincere hope that such instances do not occur. That said, the Board wishes herein to provide a protocol for officially censuring individual Board members who take such unlawful or improper actions.~~

~~Accordingly,~~ The Board adopts the following policy and protocol for initiating the censure of an individual Board member when necessary and appropriate because of that Board member's questionable actions, statements or other conduct.

When, in the opinion of any member of the Board, another Board member has, by his or her actions, statements or other conduct, violated his or her obligations or responsibilities under statute, regulation, Board Policy, protocol, governance standards or specific Board direction, the Board Member so concluding shall have the right to place on the Board's Public Session agenda a Motion to Censure the supposedly offending Board Member.

Before doing so however, the first step would be to attempt to informally resolve the issue with one Board Member speaking to the offending Board Member. The offending Board Member will be informed by the complainant Board member that if such behavior remains unchanged that the behavior would initiate a motion to censure.

If the behavior continues, the following policy and protocol will be utilized:

The placement of this item on the Board's public session agenda will be in compliance with Board Bylaw 9322(a), Agenda/Meeting Materials. If the supposedly offending member is the Board President, the Vice President shall be the Board representative to consider the placement of the item on the agenda.

1. Any such motion, when made, shall be in writing and shall include:
 - a. A specific description of the statute, regulation, Board policy or board direction that is claimed to have been violated;
 - b. A specific factual description of the alleged action, statement or other conduct of the Board Member at issue and a description of how that action, statement or other conduct constitutes a violation;
 - c. The specific language for the proposed censure by the Board of the Board Member for the alleged violation.
2. Any Motion to Censure will be effective upon the majority vote of the voting Board members. The Board Member who is the subject of the Censure Motion shall not be permitted to vote on the motion, and his/her vote shall not be counted in calculating the simple majority.
3. Upon the introduction of any Motion to Censure, and prior to any vote thereon, and in an effort to avoid an official Board Censure, the Board Member who is the subject of said Censure Motion shall be provided the opportunity to explain his/her action, statement, or other conduct, to apologize therefore, and to agree to future compliance with all relevant and applicable statutes, regulations, laws and Board policies and Administrative Regulations. The foregoing shall not, however, prevent the Board from voting upon or perfecting the Motion to Censure.

Bylaw ~~CLAREMONT~~ CLAREMONT UNIFIED SCHOOL DISTRICT

adopted: ~~September 18, 2008 Claremont, California~~

