

## Board Member Concerns About Board Member Behaviors

**Step 1: One-on-One Communication:** If a Board Member believes that another Board Member has violated the Board Norms, Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law, it is the responsibility of the concerned Board Member to discuss the alleged violation with the other Board Member in private prior to taking any other action, unless the nature of the allegation requires immediate escalation to the Board Chair or legal authorities (for example, if a child is in imminent physical danger at that exact moment). Notably, the Board Member should not first go to other Board Members, social media, or anywhere else other than the Board Member who they believe has committed a violation. The Board Member is, however, strongly encouraged to provide a written follow-up after the one-on-one communication or to document that the other Board Member declined to meet one-on-one (which then allows for immediate escalation).

- If the Board Member facing allegation does not participate in a meeting -- in person, via phone, or via video -- within 7 days of it being scheduled, the concerned Board Member may proceed to the next step.
- If Board Members have previously completed this step or this is based on an additional infraction, the concerned Board Member may proceed to the next step.

**Step 2: Two-on-One Communication:** If, after the concerned Board Member has privately discussed the alleged violation with the other Board Member, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the concerned Board Member may submit, in writing, the allegation to the Board Chair (arbiter). If the Board Chair is involved in the allegation, the concerned Board Member may instead submit the allegation, in writing, to the Board Vice-Chair or the next most senior Board Member not involved in the allegation who is then obligated to serve as arbiter instead.

- The Board Members involved will conference to discuss the alleged violation. All parties are strongly encouraged not to allow any further escalation of these procedures and the arbiter's duty is to work to avoid such escalation.
- If the Board Member facing allegation does not participate in a meeting -- in person, via phone, or via video -- within 7 days of it being scheduled, the concerned Board Member may proceed to the next step.
- If Board Members have previously completed this step or this is based on an additional infraction, the concerned Board Member may proceed to the next step.

**Step 3: Full Board Communication:** If, after the conference, the concerned Board Member remains unsatisfied that the alleged violation has been addressed, the Board Chair will call a special meeting of the Board to discuss the alleged violation. The Board Chair may call upon the District's General Counsel or an external legal advisor to investigate the nature of the allegations. The findings of this investigation will be presented at the special meeting of the Board.

- If, after the special meeting of the Board to discuss the alleged violation, the Board determines that the allegations are substantiated, the Board should inform the Board Member in question that the allegations have been substantiated and that the Board Member is to refrain from any further such behavior.
- If the Board Member facing allegation does not participate in a conference -- in person, via phone, or via video -- within 7 days of it being scheduled, the concerned Board Member may proceed to the next step.
- If Board Members have previously completed this step or this is based on an additional infraction, the concerned Board Member may proceed to the next step.

**Step 4: Full Board Action:** If, after the Board Member has been informed that their behavior has been substantiated as being a violation, any Board Member is concerned that the behavior has continued, they must bring this concern to the Board Chair who will call a special meeting of the Board to consider the allegation. During the special meeting, in order for the alleged violation to be considered, one of the following three motions must be made and seconded: a motion to dismiss allegations, a motion to admonish, or a motion to censure.

- In order to protect the overriding principle of freedom of speech, the Board shall not impose admonition or censure on any of its members solely for the exercise of their First Amendment rights. In order to ensure the right to a fair jury trial, the Board shall not impose admonition or censure on any of its members for the violation of any law while civil or criminal charges are pending. However, when the civil or criminal proceedings are final, the Board need not be bound by the conclusions of the Court and may again pursue admonition or censure.
- **Dismissal:** A motion to dismiss allegations concludes these procedures and exonerates the accused Board Member. Once a motion to dismiss allegations has passed concerning a given alleged violation, no other motions concerning that alleged violation are in order. A motion to dismiss allegations requires a majority vote to pass.
- **Admonition:** An admonition is a one-time punitive action which serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to admonish must be presented in writing and must contain the exact language of the alleged violation and the proposed admonition. A copy of the motion to admonish must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to admonish requires a majority vote to pass.
- **Censure:** A censure is an action that is a permanent change in status until lifted by the Board via a majority vote of the Board. A censure serves as a penalty imposed for wrongdoing but carries no fine or suspension of the rights of the Board Member as an elected official. A motion to censure must be presented in writing and must contain the exact language of the alleged violation and the proposed censure. A copy of the motion to censure must be provided to the accused Board Member at least seventy-two (72) hours prior to discussion of the motion. A motion to censure requires a 2/3 majority vote to pass. A motion to censure can only be lifted by a motion to dismiss allegations that occurs at least one (1) meeting after the motion to censure was passed. If the censure is imposed by the Board, it carries two key enforcement elements:
  - **Status:** The social status of the Board Member shall change from "Board Member" to "Censured Board Member". In all official meetings, oral or written records, and communication, this is the only title or status that the district or district officials may use when referring to them. This change in social status remains in effect until the censure is lifted.
  - **Privileges:** All privileges that have been extended to the Censured Board Member are immediately revoked and must remain revoked until the censure is lifted. This in no way harms or alters the statutory rights of an elected official — to be in meetings, to participate/vote, and to make special public information requests (PIR) as provided by law. Anything that is not a statutorily protected right of elected officials, however, is revoked. This includes, but is not limited to, officer roles, committee roles, access to district staff, access to district facilities, access to district events, access to district athletics, access to district graduation, access to travel reimbursements, and access to any requests not covered by special PIR rights. In effect,

they have the same privileges that a member of the general public would have except for the aforementioned rights afforded to school board members by law.