

Medford School District 549C

Code: BBG - *new policy*

Adopted: xx/xx/xx

Board Member Concerns About Board Member Behaviors

The existence of this special process does not excuse the Board from following the law and/or other existing policies for certain complaints and only applies to Board Member to Board Member complaints, in such an instance the Board Member should also follow the other existing policies and laws. Any staff, student or community member would use existing procedures for complaints about a Board Member.

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,~~ and believes that action should be taken to remedy the violation or avoid a repeat of the violation, then 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). Board members are strongly encouraged to address concerns directly with Board Member in question first, in a one-on-one format. 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 concerned 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). One or both Board Members may record the meeting, provided that a copy of the recording shall be provided to other participating Board Member. If recorded, there must be notice to the other Board Member at the beginning of the meeting because the recording will be a public record.

- If the Board Member facing allegation is unresponsive to requests to schedule a meeting -- in person, via phone, or via video -- within 7 days of it being requested, 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 of the Board Norms, Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law previously discussed with the Board Member, then the concerned Board Member may proceed to the next step.
- Alternatively, if there are concerns regarding the threat of harm or accuracy of what is said, or if the Board Member is unwilling to have a private conversation with the concerned Board Member, the concerned Board Member may move on to Step 2.

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, vice chair, third Board Member, or mutually agreed upon third party outside of district (arbiter). If the Board Chair is involved in the allegation, the concerned Board Member shall submit the allegation, in writing, to the Board Vice-Chair, third Board Member, or mutually agreed upon third party outside of district (arbiter).

- 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 is unresponsive to requests to schedule a meeting -- in person, via phone, or via video -- within 7 days, 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 of the Board Norms, Board Code of Ethics, Board Operating Procedures, Board Policy, State or Federal law previously discussed with the Board Member, then the concerned Board Member may proceed to the next step.
- Any Board Member or mutually agreed upon third party outside of district may decline to serve as arbiter. The responsibility of the arbiter is to attempt to resolve the matter through conferencing. If the arbiter is unable to do so, then 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.

- 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 believed that Step 3 was sufficient to stop further violations or continued violations, the Board does not need to proceed to Step 4. If the Board believes that Full Board Action is required to stop repeated or continued violations, the Board may proceed to Step 4 during this special meeting.
- 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.

- If the Board determines that further investigation is necessary, then the Board Chair may call upon the District's General Counsel to help retain an external advisor to investigate the nature of the allegations. The findings of this investigation will be presented at a future special meeting of the Board.

Step 4: Full Board Action: If the allegations are such that action is required to ensure there are no further violations or continued violations, the Board may proceed to this step during the special meeting called for Step 3 rather than scheduling another special meeting at a later date. Alternatively, if the Board believed that Step 3 was sufficient to stop further violations or continued violations, but after the Board Member has been informed that their behavior has been substantiated as being a violation as set forth in Step 3 above, any Board Member is concerned that the behavior has continued after the conclusion of Step 3, the concerned Board Member must notify the Board Chair that the concerned Board Member would like to bring a motion to admonish the other Board Member, and the Board Chair 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 against 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 of the full Board to pass. If there is not a majority vote in favor of the motion, the motion

fails.

- **Admonition:** An admonition is a formal warning that the board member's conduct does not conform to the policies of the school district, the board operating agreement, or other standards which are expected of an elected official. Admonishment should include prescriptive guidance to bring the accused board member's conduct in line with board expectations. A motion to admonish must be presented in writing and must contain the exact wording of

the alleged violation, the proposed admonition, and corrective action. 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 of the full Board to pass. If there is not a majority vote in favor of the motion, the motion fails.

- **Censure:** A censure is a formal action of the board to declare that the accused board member's conduct does not conform to the policies of the school district, the board operating agreement, or other standards which are expected of an elected official. Actions taken by the board may restrict or revoke privileges of the accused board member as necessary to ensure the safe operations of the school district, and uphold the expectations of board member conduct. A censured board member will retain all rights of an elected official, and any limitations imposed on a censured board member should be necessary to achieve the aims of compliance with expected board member conduct and the functioning of the school district. Restrictions and limitations imposed on a censured board member ~~should be reviewed and reaffirmed on a regular and frequent basis, at least quarterly~~ shall be for a period no greater than 4 months or beyond the term of the current school year. A motion to censure must be presented in writing and must contain the exact wording of the alleged violation, the proposed censure, proposed corrective action, and any proposed loss or restriction of privileges. 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 of the full Board to pass. If there is not a 2/3 majority vote in favor of the motion, then the motion fails. If the motion fails, a motion for Admonition may be made.
- **Privileges:** All privileges that have been extended to the Censured Board Member may be revoked and revoked privileges 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 public information requests (PIR) as provided by law. Anything that is not a statutorily protected right of elected officials, however, may be revoked. Privileges that may be revoked include, but are 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, approval of board member travel, and access to any requests not covered by special PIR rights. In effect, the Censured Board Member will have the same privileges that a member of the general public would have with respect to the privileges that have been revoked and may meet with district staff, access district facilities, access district events, access district athletics, and/or access district graduation in the same manner as any other member of the general public, but will not receive any special board member access.

If a motion for censure is made and fails, then a motion for admonition is made and also fails, the matter shall be dismissed.