

Governance Standards: Censure and Procedures

The Governing Board believes that its primary responsibility is to act in the best interests of every student in the district. Board Members are bound to comply with a variety of statutory, regulatory, and administrative rules and regulations in performing their roles and responsibilities collectively as a Board and as individual members. These obligations include, but are not limited to, compliance with the requirements of the California Education Code, the Ralph M. Brown Act, and VUSD Board Policies and Administrative Regulations.

To maximize Board effectiveness and public confidence in district governance, Board Members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct.

The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student. Per Board Governance Standards, each individual Board member shall:

1. Keep learning and achievement for all students as the primary focus.
2. Value, support and advocate for public education.
3. Recognize and respect differences of perspective and style on the Board and amongst staff, students, parents and the community.
4. Act with dignity, and understand the implications of demeanor and behavior.
5. Keep confidential matters confidential.
6. At all times, understand and adhere to the distinctions between the Board and District staff roles. Refrain from performing the district duties, school site communications (email, social media, or otherwise), and job functions that are the responsibility of the Superintendent and district staff.
7. Understand that authority rests with the Board as a whole and not with individuals.

Board Members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

Board members also shall assume collective responsibility for building unity and creating a positive organizational culture. To operate effectively, the Board shall have a unity of purpose and:

Governance Standards: Censure and Procedures (continued)

1. Keep the district focused on learning and achievement for all students.
2. Operate openly, with trust and integrity.
3. Govern in a dignified and professional manner, treating everyone with civility and respect.
4. Govern within Board-adopted policies and procedures.
5. Take collective responsibility for the Board's performance.
6. Ensure opportunities for the diverse range of views in the community to inform Board deliberations.

Censure and Procedures**Background**

The Governing Board of the Vacaville Unified School District has a strong commitment to ethics. The public expects and must receive the highest standards of ethics from all of those in public service to the VUSD community. In order to be able to enforce conformance to its policies, the Governing Board must have a procedure by which it can censure its own members for violation of VUSD Board Policies, Bylaws, Board Protocols, norms for governance behavior, the Ralph M. Brown Act, the California Education Code, or the California Government Code. Violation of laws, policies, protocols, or standards of behavior may reflect negatively on the District and undermine the effectiveness of the Governing Board as a whole.

Purpose

This policy and procedure is intended to provide the mechanism by which the Board of Education, acting as a whole, can intervene when a member violates VUSD Board Policies, Bylaws, Board Protocols, norms for governance behavior, the Ralph M. Brown Act, the California Education Code, or the California Government Code.

Censure is a formal resolution of the Governing Board officially reprimanding one of its members. Censure is an appropriate measure when the violation of law or policy is deemed by the Governing Board to be a serious offense. In order to protect the overriding principle of freedom of speech, the Governing Board shall not impose "censure" on any of its members for the exercise of his or her First Amendment rights, no matter how distasteful the expression was to the District and Board of Education.

Governance Standards: Censure and Procedures (continued)

Procedure

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, the member shall attempt to informally resolve the issue with 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:

1. 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, Board Protocols, 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. The placement of this item on the Board's public session agenda will be in compliance with Board Bylaw 9322, Agenda/Meeting Materials. If the offending member is the Board President, the Vice President shall be the Board representative to consider the placement of the item on the agenda.
2. Any such motion, when made, shall be in writing and shall include:
 - a. A specific description of the statute, regulation, Board Policy, or Board Protocol 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.
3. Any Motion to Censure will be effective upon four affirmative votes of the voting Board Members. The Board Member who is the subject of the Censure Motion shall not, however, be permitted to vote on the motion, and his/her vote shall not be counted in calculating the simple majority.
4. 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

Governance Standards: Censure and Procedures (continued)

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.

5. A decision to Censure requires the adoption of a Resolution enumerating the facts of the actions(s) by the offending Board Member that violated any of the laws, policies, bylaws, norms, ethics, or codes of conduct governing Board Members as described herein.

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35160 Board authority to act in any manner not conflicting with law

35164 Actions by majority vote

GOVERNMENT CODE

1090 Financial interest in contract

1098 Disclosure of confidential information

1125-1129 Incompatible activities

54950-54963 The Ralph M. Brown Act

87300-87313 Conflict of interest code

MANAGEMENT RESOURCES

CSBA Publications

CSBA Professional Governance Standards, 2000

WEB SITES

CSBA: <http://www.csba.org>