

## **Board Bylaws**

### **Censure Policy**

#### Background

The Board of Education of the Stockton 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. In order to be able to enforce conformance to its Code of Ethics, the Board of Education must have a procedure by which it can censure its own members for violation of its Code of Ethics.

#### Purpose

This Bylaw is intended to provide the mechanism by which the Board of Education, acting as a whole, can censure any of its members who violate the Code of Ethics.

#### Policy

It is the Policy of the Board of Education that all of its members shall abide by the Code of Ethics. Violations of the Code of Ethics may injure the reputation of the District and may undermine the effectiveness of the Board of Education as a whole. Such conduct can be deemed to be a dereliction of duty.

Censure is a formal resolution of the Board of Education officially reprimanding one of its members. Censure is an appropriate punitive measure when the violation of the Code of Ethics is deemed by the Board of Education to be a serious offense. In order to protect the overriding principle of freedom of speech, the Board of Education 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 unless such conduct violates the Code of Ethics.

#### Procedure

When, in the opinion of any board member, another Board Member has, by their actions, statements or other conduct, violated the Code of Ethics, there shall be a good-faith attempt to resolve the issue informally with the accused Board Member. The accused Board Member shall be informed by the complaining Board Member that if such behavior remains unchanged, that the behavior would initiate a motion to censure.

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If the behavior continues despite the good-faith attempts to resolve the issue, the following procedure will be utilized:

1. A request for a "censure" motion must be submitted to the Superintendent in writing by no less than two nor more than three members of the Board of Education.
2. Any such motion, when made, shall be in writing and shall include:
  - a. A specific description of the provision of the Code of Ethics 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 of the Code of Ethics;
  - c. The specific language for the proposed censure by the Board of the Board Member for the alleged violation of the Code of Ethics.
3. This item will be placed on the Board's next public session agenda, if possible, in compliance with Board Bylaws. If the accused Board Member is the Board President, the Vice President shall be the Board representative to consider the placement of the item on the agenda.

Any Motion to Censure will be effective upon four affirmative votes of the Board to adopt a Resolution of Censure.
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 accused Board Member shall be provided the opportunity to explain his/her action, statement, or other conduct, to apologize therefore, and to agree to future compliance with the Code of Conduct.

#### **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 Ralph M. Brown Act  
87300-87313 Conflict of interest code