

Fresno Unified Board Bylaw (BB) 9005.1

Censure Policy and Procedures

Background

The Board 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 ethical Policies, the Board must have a procedure by which it can censure its own members for violation of laws, Policies or Bylaws of the Board.

Purpose

This Bylaw is intended to provide the process by which the Board, acting as a whole, can express its dissatisfaction with any of its members who violate state or federal laws or regulations applicable to the District or for violation of Board Policies or Bylaws.

Policy

All Board members shall abide by applicable federal and state laws, as well as Policies and Bylaws. Violation of such laws, Policies, or Bylaws damages the good name of the District and undermines the effectiveness of the Board as a whole.

Censure is a formal action of the Board officially reprimanding one of its members. Censure is an appropriate corrective action when a violation (or violations) of law, Policy or Bylaw is found to have occurred and deemed by the Board to be a serious offense. Censure may either be done verbally in open session at a Board meeting, or by formal resolution adopted by a majority of the Board.

The Board shall not impose censure on any of its members for the violation of any law if criminal charges related to the same conduct are pending. However, when the criminal proceedings are final, the Board may conduct a censure hearing.

Procedure

1. The first step is to informally resolve the conduct subject to censure by the Board President facilitating a discussion with the Board member regarding such conduct. If the Board President is the subject of the censure, the Board Clerk will initiate the first step. The informal resolution shall not be discussed by a majority of the Board members in compliance with the Brown Act.
2. If the issue (or issues) is not or cannot be resolved informally, a request for a censure hearing shall be submitted to the Board President (or Board Clerk if the Board President is the subject of the censure) in writing by no less than two (2) nor more than three (3) members of the Board. The request must contain 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.
3. The Board President (or Board Clerk if the Board President is the subject of the censure) shall place the matter on the Board's agenda at an upcoming regular Board meeting, or call a special Board meeting, within a reasonable period of time, for an open session discussion of the proposed censure.

4. A copy of the request for censure, along with all background documentation, shall be sent to all the members of the Board at least three (3) business days prior the Board meeting at which it will be considered. The request shall be agenzized in accordance with the Brown Act for the meeting of the Board.
5. The Board, by majority vote, shall proceed as follows:
 - a. Further investigate the allegations of the proposed censure;
 - b. Orally censure the Board member at the Board meeting;
 - c. Set the matter for public hearing to adopt a formal censure resolution; or
 - d. Take no action.
6. Further investigation, if required, shall be done by an ad hoc committee appointed by the Board President. If the Board President is the subject of the request, the committee shall be formed by the Board Clerk.
7. If a formal censure resolution is required, the ad hoc committee shall prepare the proposed censure resolution for the Board's consideration. The proposed censure resolution shall not be discussed by a majority of the Board members prior to the public hearing in compliance with the Brown Act.
8. If the censure is set for public hearing, it cannot be set sooner than five (5) business days following preparation of the proposed censure resolution in order to give the subject Board member adequate time to prepare a response, unless the subject Board member agrees otherwise.
9. At the public hearing, the member of the Board subject to the proposed censure shall be given the opportunity to respond and to provide the Board information and material(s) relevant to the proposed censure. The member subject to the proposed censure may be represented at his or her own personal expense and may have the representative speak on his or her behalf.
10. A formal written censure requires the adoption of a censure resolution making findings with regard to the specific charge(s) and approved by a majority of the Board.

Fresno Unified School District does not harass, intimidate, or discriminate on the basis of race, color, ethnicity, national origin, immigration status, ancestry, age, creed, religion, political affiliation, gender, gender identity or expression or genetic information, mental or physical disability, sex, sexual orientation, parental or marital status, military veteran status, or any other basis protected by law or regulation, in its educational program(s) or employment.

Bylaw FRESNO UNIFIED SCHOOL DISTRICT
Adopted: October 2, 2019 Fresno, California

Policy Section: 9000 Board Bylaws