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The San Diego County Board of Education 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 County Board of Education must have a procedure by which it can censure its own members for violation of its protocols, policies, or bylaws of the County Board of Education.

Purpose

This bylaw is intended to provide the mechanism by which the County Board of Education, acting as a whole, can take appropriate punitive action against any of its members who violate state or federal laws applicable to the San Diego County Office of Education (SDCOE) or for violation of the board protocols, policies, or bylaws of the County Board of Education.

Policy

It is the policy of the County Board of Education that all of its members shall abide by federal and state law that are applicable to members of the County Board of Education, as well as to board protocols, policies, bylaws, and the oath of office. Violation of such laws, protocols, policies, or bylaws tends to injure the good name of SDCOE and undermine the effectiveness of the County Board of Education as a whole. Such conduct is deemed to be a dereliction of duty.

Censure is a formal resolution of the County Board of Education officially reprimanding one of its members. Censure is an appropriate punitive measure when the violation of law, protocol, policy, or bylaw is deemed by the County Board of Education to be a serious offense.

In order to protect the overriding principle of freedom of speech, the County 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 SDCOE and the County Board of Education.

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In order to ensure the right to a fair jury trial, the County Board of Education shall not impose "censure" on any of its members for the violation of any law while criminal charges are pending. However, when the criminal proceedings are final, the County Board of Education need not be bound by the conclusions of the Court and may hold a "censure" hearing.

Procedure

1. A request for a "censure" hearing must be submitted to the county superintendent of schools in writing by no less than two nor more than three members of the County Board of Education. The request must contain the specific instances (charges) that constitute a violation of board protocols or bylaws and state the specific protocol, bylaw, or regulation alleged to have been violated.
2. A copy of the request for censure and the charge(s) shall be sent by the county superintendent's office to all the members of the County Board of Education at least five (5) business days prior the County Board of Education meeting at which it will be considered. The request and charge(s) shall be agendized in accordance with the Brown Act for the meeting of the County Board of Education.
3. At its next regular meeting scheduled to consider the charges prior to the hearing, the County Board of Education shall determine that either:
 - a. Further investigation of the charge(s) is required; or
 - b. The matter is to be set for public hearing; or
 - c. No action is required
4. 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 Vice President.
5. If the matter is set for public hearing, it must be set no sooner than the next regularly scheduled County Board meeting following the County Board's

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determination under Section 3 of these procedures in order to give the accused member adequate time to prepare a defense.

6. At the public hearing, the member of the County Board of Education subject to censure shall be given the opportunity to respond to the charge(s) and to provide the County Board of Education information and material(s) relevant to the charge(s). The proponents of the request to censure may also respond to the presentation and members of the County Board of Education may ask questions pertaining to the matter at hand. The member subject to the charge(s) may be represented by legal counsel at his or her own personal expense and may have the representative speak on his or her behalf.
7. A decision to censure requires the adoption of a resolution making findings with regard to the specific charge(s), based on evidence presented, and approved by a two-thirds vote of the County Board of Education.

Derivation: Adopted 9/9/20**Board Bylaw: 9005, 9010, 9011, 9270, 9323**