

**CODE OF CONDUCT**

The position of Governing Board member is one of public trust and responsibility. It is his/her duty to rise above partisanship and to keep in mind that he/she represents, at all times, the entire community and that the schools are being maintained for the benefit of the whole public and not for any group or portion. He/she must, at all times, strive to build up and maintain public confidence in the Board, in the staff and the work being done by the schools for students.

The relationship between Board members, teachers, the staff, and the general public should be one of mutual frankness, confidence and sincerity. To that end, the Board resolves to:

1. Work with the Superintendent to establish and maintain a relationship which encompasses mutual trust and support.
  2. Separate the role of the Board as the policy making body from the role of the Superintendent as the chief administrator and implementer of policy.
  3. Model behavior which will cause the Board and the Superintendent to be perceived as an effective and efficient leadership team and which will enhance the image of the District as a leader among schools dedicated to excellence in education.
  4. Encourage the expression of divergent opinions by individual members of the Board, the students, community and staff on all issues of concern.
  5. Listen courteously and respectfully and give full consideration to differing points of view.
  6. Work, without bias, to reach decisions which are in the best interests of all students after carefully reviewing all available information and considering all options, disregarding the efforts of special interest or pressure groups to influence these decisions.
  7. Support all decisions and policies of the Board whether those decisions and policies are made unanimously or by a majority of the Board, and to support staff members who are responsible for implementing those policies and decisions.
  8. Work with the Superintendent to resolve complaints and not to act individually to resolve matters which should be handled by staff or by the entire Board.
  9. Work through the communications channels established by the Superintendent to gather information on district programs for use in their communications with the community.
  10. Consider the impact upon other Board members and/or the district when dealing with critical issues or sensitive matters.
  11. Encourage ideas and opinions from the residents of the district and endeavor to incorporate community views into the deliberations and decisions of the Board.
-

**CODE OF CONDUCT**

12. Devote sufficient time, thought, and study to proposed actions so as to be able to base decisions upon all available facts and vote in accordance with honest convictions, unswayed by partisan bias of any kind.
13. Remember that the basic functions of the Board are to establish the policies by which district schools are administered and to select the Superintendent or designee and staff who will implement those policies.
14. Promote and participate actively in a concerted program of timely exchange of information with all district residents, parents/guardians, employees and students.
15. Make use of opportunities to enlarge his/her potential as a Board member through participation in educational conferences, workshops and training sessions made available by local, state and national agencies.

**Censure Policy and Procedure**

The Trustees of the Mountain View Whisman School District (District) recognize that both the Board of Education of the District (Board), as an entity, and each Trustee, as a fiduciary to the District, are bound to comply with statutory, regulatory, and administrative rules and regulations in performing their roles and responsibilities as a Board and as an individual Trustee of the District.

By way of example, these obligations include, but are not limited to, compliance with the requirements of the California Education Code, the Ralph M. Brown Act, the Educational Employment Relations Act, the California Code of Administrative Regulations, the Board Policies and Administrative Regulations (Bylaws) adopted by the Board, itself, including Board Bylaw No. 9271 - Code of Ethics, Board Bylaw No. 9272 – Code of Conduct, and Board Bylaw No. 9323) – Meeting Conduct, and specific directives and admonitions that the Board issues from time to time.

Violations of these laws, policies, or bylaws undermine the effectiveness of the District in serving the educational needs of our students and maintaining workplace integrity.

The Board also recognizes that, despite the Board’s best efforts, from time to time individual Trustees may disregard or ignore their obligations as a Trustee and take actions, make statements, or otherwise engage in conduct that violates the individual Trustee’s obligations under statute, regulations, Board policy or Board direction.

It is the Board's sincere hope that such instances do not occur and that if such instances do occur remedial action can be taken to prevent such violations from occurring in the future. Nevertheless, the Board wishes to provide a protocol for officially censuring individual Trustees who take such unlawful or improper actions in contravention to their obligations.

**CODE OF CONDUCT**

Accordingly, the Board adopts the following policy and protocol for censuring a Trustee when necessary and appropriate because of that Trustee's improper actions, statements, or other conduct.

Censure is a formal resolution of the Board officially reprimanding one of the Trustees. Censure is an appropriate punitive measure when violation of law or policy is deemed by the Board to require action in its fiduciary capacity for the District.

It is to be understood that censure by itself is not a form of punishment for speech, but is rather a form of policy-based expression by a government agency. In this regard, censure is a means by which a collective legislative body dissociates itself from the statements or actions of one of its members by saying that the statements or actions are not reflective of the opinions of that of the governing body and an affirmation of the Board's role as fiduciary for the District.

To protect the principle of freedom of speech, the Board shall not impose censure on a Trustee for the exercise of his or her First Amendment rights.

Before initiating censure, the Board shall attempt to informally resolve the issue with a Trustee who has acted in a manner that is alleged to violate the Trustee's obligations under statute, regulations, Board policy, or Board direction.

If the behavior that allegedly constitutes a violation of the Trustee's obligations continues, the Board may use the following policy and protocol to formally censure the Trustee:

1. When, in the opinion of any Trustee, another Trustee 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 Trustee so concluding has the right to place on the Board's Public Session Agenda a Motion to Censure the allegedly offending Trustee.
2. The placement of this item on the Board's Public Session Agenda will be in compliance with Board Bylaw 9320 – Meetings and Notices and Board Bylaw 9322 -Agenda/Meeting Materials. If the allegedly offending Trustee is the Board President, the Vice President shall be the Board representative to consider the placement of the item on the agenda.
3. Any such motion, when made, will include:
  - a. A specific description of the statute, regulation, Board policy or Board directive that is claimed to have been violated;
  - b. A specific factual description of the alleged action, statement, or other conduct of the Trustee at issue and a description of how that action, statement, or other conduct constitutes a violation; and
  - c. The specific language for the proposed censure by the Board of the Trustee for the alleged violation.

**CODE OF CONDUCT**

4. Any Motion to Censure will be effective upon at least three affirmative votes of the voting Trustees.
5. The Motion to Censure will be agendized for a future meeting of the Board and publicly noticed in compliance with the Brown Act, Board Bylaw No. 9320 – Meetings and Notices, and Board Bylaw No. 9322 – Agenda/Meeting Materials.
6. A written copy of the Motion to Censure including the elements cited in paragraph 3 and any evidence including written and video materials supporting the allegations will be provided to the Office of the Superintendent no later than seven (7) days before the Board meeting at which the Motion to Censure will be considered.
7. The Motion to Censure and any supporting evidence will be noticed and made publicly available in accordance with the Brown Act and Board Bylaw No. 9322 – Agenda/Meeting Materials.
8. Upon the introduction of a Motion to Censure, and prior to any vote thereon, and in an effort to avoid an official Board Censure, the Trustee who is the subject of the Motion to Censure will be provided the opportunity to explain his or her actions, statements, or other conduct set forth in the motion initiating the censure proceedings, to apologize for the actions, statements, or other conduct, and to agree to future compliance with all relevant and applicable statutes, regulations, laws and Board policies and Administrative Regulations.
9. The foregoing shall not, however, prevent the Board from voting upon or perfecting the Motion to Censure.
10. A decision to censure requires the adoption of a Resolution making findings with regard to specific charges based upon substantial evidence and approved by at least three affirmative votes of the voting Trustees.
11. In addition to adopting a Resolution to censure, the Board may consider removing the violating Trustee from his or her office on the Board and/or may consider removing the Trustee from his or her position as the Board’s representative to District organizations.

*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*