

It is the policy of the Board of Education that all Board members conduct themselves in a professional manner and in accordance with the Code of Ethics adopted by the Board. A "censure" under this policy is the process by which the Board of Education, acting by a two-thirds majority vote (i.e. five affirmative votes), can reprimand or condemn the actions of a member for any violation of law or policy or any other conduct committed by a Board member which tends to injure the good name of the Buncombe County Board of Education and/or undermines the effectiveness of the Buncombe County Schools or the Board of Education. A censure is an expression of formal disapproval by the Board.

The Board, in addition to or in lieu of censure, may vote to 1) ask the member to resign or 2) refer possible misconduct by a Board member to the District Attorney as provided by law and/or 3) issue the Board member an official warning regarding future conduct. The Board of Education does not have the legal authority to remove a Board member from office. Therefore, any legal consequences or punitive sanctions related to a Board member's actions shall be in accordance with applicable law and shall be separate and distinct from any censure proceeding under this Policy.

In the event that a member of the Board of Education believes that a fellow Board member should be formally censured by the Board, the following protocol shall apply:

- 1) All Board proceedings related to a censure motion, with the exception of the disclosure of confidential information as permitted by the Open Meetings Law, shall be conducted in an open meeting.
- 2) The member shall provide ten (10) days advance written notice of their desire to make a censure motion to all Board members and the Board Attorney and shall otherwise comply with the process established by Board Policy 2330, Board Meeting Agenda. The notice shall include the reason or reason(s) for the proposed censure.
- 3) Any member(s) affected by the request may provide a written response to all Board members and the Board Attorney no later than two (2) days prior to the next scheduled Board meeting. If the Chair elects not to place the motion on the agenda of the next scheduled meeting of the Board, a member may request that the motion be added through an appropriate motion to amend the agenda at the time of the meeting.
- 4) A censure motion must obtain a second before there can be any discussion by the Board.
- 5) A censure motion that receives a second may be debated by the Board in open session. However, Board members may not discuss confidential personnel, student or attorney-client matters during any open session debate. Disclosure of confidential personnel, student or attorney-client matters must be addressed in closed session.
- 6) Following debate, the Board may take one of the following actions in open session:
  - a. Approve the motion by a two-thirds majority;
  - b. Reject the motion; or
  - c. Table the motion by a simple majority for any reason, including but not limited to, the desire of the majority to gather additional information and/or permit the affected member(s) to respond further.
- 7) In addition to, or in lieu of, the actions set forth in Paragraph 6, the Board may take either of the following actions:
  - a. Refer the matter to the District Attorney,
  - b. Request that the Board member resign from the Board, and/or
  - c. Issue the Board member an official warning regarding future conduct.

Adopted: September 5, 2013