

**ALUM ROCK UNION ELEMENTARY SCHOOL DISTRICT
BOARD RESOLUTION # 14-20/21
CENSURE OF BOARD MEMBER DOLORES MARQUEZ
FOR STATEMENT OF HATE AND INCITING OTHERS TO VIOLENCE**

WHEREAS, the Alum Rock Union Elementary School District Board Bylaw 9000 provides:

"The Board of Trustees has been elected by the community to provide leadership and citizen oversight of the district. The Board shall ensure that the district is responsive to the values, beliefs, and priorities of the community" and further states "Establishing and adhering to standards of responsible governance"; and

WHEREAS, the Alum Rock Union Elementary School District Board Bylaw 9005 states:

"To maximize Board effectiveness and public confidence in district governance, Board Members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct"; and

WHEREAS, the Alum Rock Union Elementary School District Board Bylaw 9006 (Board of Trustees' Code of Conduct"), provides that:

"The Board and its members will conduct themselves lawfully with integrity and high ethical standards in order to model the behaviors expected of staff and students and to build public confidence and credibility."

WHEREAS, Board Bylaw 9006 sections 3(g) – 3(i) further provides that to build trust among members and to ensure an environment conducive to effective governance, Board members will:

- "g. Demonstrate respect for the public as a whole and community members individually at all times and in all situations;
- h. Demonstrate courtesy and respect in your communications by being responsive to one another and to the Superintendent and all staff;
- i. Refrain from personal comments and attacks against each other, staff and members of the community"

WHEREAS, at the August 13, 2020, regular Board meeting, member Dolores Marquez voiced her disagreement with a Board discussion stating that, as to the Superintendent, the Board President, the Board Vice President and the District's legal counsel, "I hope they hang you guys for this"; and

WHEREAS, hangings in this nation are a symbol of hatred and oppression against ethnic minorities including, especially, Black, Indigenous, and People of Color; and

WHEREAS, the Board respects the First Amendment rights of freedom of speech of all citizens but finds that Dolores Marquez's statement was hateful, an incitement to violence, and disruptive of the orderly conduct of the Board's meeting and was made by her while sitting and participating in her official capacity as a Board member; and

WHEREAS, on October 10, 2019, this Board adopted Resolution #08-19/20 censuring Dolores Marquez for receiving and depositing a \$5,000 cashier's check on October 4, 2016, in violation of the law and Board Policy and failing to produce any documentation to substantiate the source of the money and failing to report contributions totaling \$1,750 and failing to report expenditures totaling \$2,330 on campaign disclosure statements in violation of the law, for which she was fined \$7,500 by the Fair Political Practices Commission; and

WHEREAS, in Resolution 08-19/20 the Board also requested that Dolores Marquez publicly disclose and substantiate the source of the \$5,000 cashier's check referenced above to assure the Board and public there is no conflict of interest on any matters before the Board of Trustees; and

WHEREAS, Dolores Marquez has refused to respond and failed to disclose and substantiate to the State and to this Board the source of the \$5,000 cashier's check she received and deposited in support of her 2016 reelection campaign; and

WHEREAS, the Board finds that by her statements and conduct, and her failure and refusal to respond to the previous censure resolution 08-19/20, Dolores Marquez has demonstrated that she is unwilling to abide by the policies and principles of good and responsible governance which this Board has adopted and is responsible for observing and enforcing.

NOW THEREFORE BE IT RESOLVED THAT, the Alum Rock Union Elementary School District Board of Trustees does hereby censure Board Member Dolores Marquez for the conduct as described above.

BE IT FURTHER RESOLVED, that the Board denounces Dolores Marquez's use of hate speech and incitement to violence and finds her conduct to be a serious offence and violation of the Board Bylaws.

BE IT FURTHER RESOLVED AND DIRECTED, the District shall not disburse, reimburse or spend any funds for any trainings, workshops, conferences or events, training materials, or related travel or any other expenditures, for the benefit of Dolores Marquez until such time that Dolores Marquez has attended and completed trainings in (1) anger management, (2) board governance, and (3) implicit bias, to be selected and paid for by the District, and she provided reasonable proof of the completion of such trainings to the satisfaction of the Board.

BE IT FURTHER RESOLVED, that the Alum Rock Union Elementary School District Board directs that a copy of this Resolution be placed immediately on the District's website for a period of 60 calendar days.

**PASSED AND ADOPTED BY THE BOARD OF TRUSTEES OF THE ALUM ROCK UNION
ELEMENTARY SCHOOL DISTRICT ON THIS 10 DAY OF September, 2020, BY THE
FOLLOWING VOTE:**

Ayes: 3 Noes: 1 Absent: 0 Abstain: 1

Ernesto Bejarano, President:

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Corina Herrera-Loera, Vice President:

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Andres Quintero, Clerk:

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Dolores Marquez, Board Member:

Linda Chavez, Board Member:

I HEREBY CERTIFY THAT the foregoing resolution was duly and regularly introduced, passed and adopted by the Members of the Board of Trustees of the Alum Rock Union Elementary School District at a public meeting of said Board held on September 10, 2020.

9/15/2020

_____, 2020

DocuSigned by:

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Andres Quintero, Clerk of the Board