

RULES OF THE MILWAUKEE BOARD OF SCHOOL DIRECTORS

APPENDIX B: PROCEDURES TO CENSURE OR REMOVE A BOARD MEMBER UNDER BOARD RULES 1.24 AND 1.25

Pursuant to section 119.12(1) of the Wisconsin Statutes, the Board is required to adopt procedures by resolution, for hearing and disposing of complaints against a board member.

(1) When a complaint of misconduct in office, malfeasance, or violation of Board Rules is made by one or more board members against another board member, the Board shall appoint a committee to investigate the complaint or concern. The initiation of the investigation shall require a recorded affirmative vote of two-thirds of the Board's membership.

(2) The Board may elect to appoint a committee of at least two board members to conduct the investigation, or the Board may elect to appoint a committee of non-board members to conduct the investigation.

(a) If, after preliminary investigation, the committee determines that credible evidence does not exist to support a self-evident case of misconduct in office, violation of Board Rules, or acts of malfeasance, the committee shall dismiss the concern.

(b) If, after preliminary investigation, the committee determines that there is credible evidence to support a self-evident case of misconduct in office, violation of Board Rules, or acts of malfeasance, the committee shall set a time, date, and location for a hearing before the committee. The committee shall draft written notice of the particulars of the alleged offense.

(3) At least five days prior to the hearing before the committee, the committee shall personally serve on the accused board member, or send to the accused board member by certified mail, a written notice which sets forth the time, date, and location of the committee hearing, as well as the particulars of the alleged offense.

(4) The committee may, upon written request of the accused board member, grant a postponement of the commencement of the committee's hearing for a period not to exceed 30 calendar days.

(5) The accused board member may be represented by counsel and shall have the opportunity to present witnesses and to confront and cross-examine adverse witnesses at the committee's hearing.

(6) The Board President, or vice president in the event the President is the accused board member, shall, upon request of any committee member or the accused board member or counsel, issue subpoenas for the attendance of witnesses or the production of documents.

(7) All testimony taken at the committee's hearing shall be given under oath. A transcript and written record of the committee hearing shall be produced. After hearing evidence and arguments, the committee shall prepare written findings of fact and a recommendation for the full Board.

(8) The full Board shall review the transcript and written record of the hearing and the committee's findings of fact and recommendation. The Board may, at its discretion, hear further testimony and receive further evidence.

(9) As soon as practicable after the conclusion of the hearing, the full Board shall vote as to whether, by a preponderance of the credible evidence, the accused board member has engaged in misconduct in office, an act of malfeasance, or has violated Board Rules.

(a) If the Board finds, by a recorded affirmative majority vote of Board's membership, that the accused board member has violated one or more Board Rules, the board member shall be deemed censured.

- (b) If the Board finds, by a recorded affirmative majority vote of Board’s membership, that the accused board member has, pursuant to section 946.12, engaged in misconduct in office, the board member shall be deemed censured.
- (c) If the Board finds, by a recorded affirmative majority vote of Board’s membership, that the accused board member has committed an act of malfeasance, the board member shall be dismissed from office, and his/her seat on the Board shall thereupon be vacant and his/her term in office shall be considered unfilled.

History: Adopted 04-26-96; Revised 11-19-15; Reaffirmed 03-24-22
Prev. Coding: Board Rule Appendix B: Procedures to Censure a Board Member under Board Rule 1.24 and Board Rule Appendix C: Procedures to Remove a Board Member from Office Under Board Rule 1.25
Legal Ref: W.S. 119.12(1); 885.01(4)
Cross Ref: Board Rule 1.14 Voting Methods
1.17 President’s Duties and Powers: *Ex Officio* Membership
1.22 Fulfillment of Unexpired Term
1.24 Board Member Censure
1.25 Board Member Removal from Office
1.29 Code of Conduct — Board of School Directors

