

SOLANO COMMUNITY COLLEGE DISTRICT

VIOLATION OF BOARD CODE OF ETHICS

1021

POLICY: Charges by any person that a Board member has violated BP 1020 shall be directed to the Board President or the Governing Board.

The Board President or an Adhoc Committee shall review any charge of any trustee violation of the Board Code of Ethics as set forth in BP 1020 (the "Charge"), which Charge is presented in writing to the Board President. The Board President or an Adhoc Committee shall then determine whether a violation of the Board Code of Ethics as set forth in BP 1020 is contained in the Charge. The accused trustee shall be informed immediately of the Charge and provided with all information obtained by the Board President or other Board members. The accused trustee shall not be entitled to vote in proceedings held under this section.

If the Charge states that the Board President committed the violation, the Board Vice President shall assume the role of Board President for the purpose of this section. If both the Board's President and Vice President are named in the Charge, an Adhoc Committee composed of three trustees not subject to the Charge will examine the Charge. The Adhoc Committee will be appointed by the Board and appoint a chair.

If the Board President or Adhoc Committee determines a violation of the Board Code of Ethics as set forth in BP 1020 is contained in the Charge, the Board President or chair of the Adhoc Committee shall request from any party any relevant, available evidence, including documents, statements, recordings and other items that tend to show that facts that constitute the violation did or did not occur (the "Evidence"). The accused trustee shall have the right to present any evidence relevant to a determination of guilt or innocence, including the right to face and question any accuser.

Once the Board President or chair of the Adhoc Committee has assembled the evidence, then the Charge and the evidence shall be presented to the Board for action within a reasonable period of time. The Board shall determine whether (1) the Charge is a violation of the Board Code of Ethics as set forth in BP 1020; and, (2) the evidence proves that the facts constituting the Charge did occur. If the Board, by majority vote, determines both in the affirmative, accused trustee shall be deemed "Guilty of Ethical Violation" by the Board.

The Board shall then, by majority vote, determine what further action to take, if any. Possible courses of action include, but are not limited to, censure or any other consequence on the advice of Board counsel.

If, after the trustee is deemed Guilty of Ethical Violation, the Board President or chair of the Adhoc Committee determines that the Charge may contain a violation of an applicable criminal code, the Board shall consult outside legal counsel for a professional opinion whether or not it does. After such consultation, the Board may refer the Charge and the evidence to the Solano County District Attorney upon a unanimous vote of the Board, excluding the accused trustee(s).

REFERENCES/

AUTHORITY:

Solano Community College District Governing Board

Accreditation Standard IV.B.1.h

BP1021

ADOPTED: June 6, 2007

REVISED: Reviewed October 20, 2010