Policy Code: 2120 Code of Ethics, Code of Conduct, and Responsibilities for School Board Members

The Wake County Board of Education recognizes that service as a member of the Board is a public trust and carries significant responsibilities to students, families, employees, and the community. The Board further recognizes that, collectively and individually, all members of the Board must adhere to a code of ethics as required by G.S. 160A-86 and G.S. 115C-47(57).

This policy establishes the core ethical principles, standards of conduct, and responsibilities that shall guide members in the performance of their official duties.

A. Code of Ethics

In accordance with applicable law, the following standards will guide each Board member in the performance of his or her official duties:

1. the need to obey all applicable state and federal laws regarding official actions taken as a Board member;
2. the need to uphold the integrity and independence of the Board member's office;
3. the need to avoid impropriety in the exercise of the Board's and Board member's official duties;
4. the need to perform faithfully the duties of the office; and
5. the need to conduct the affairs of the Board in an open and public manner, complying with all applicable laws governing open meetings and public records.

B. Code of Conduct

1. Board Meetings and Preparation

Board members shall attend regularly scheduled meetings insofar as possible, review materials in advance, participate in Board discussions, and seek information necessary to make informed decisions.

Board members shall make decisions based on available facts, evidence, applicable law, and their independent judgment and refuse to surrender that judgment to individuals or special interest groups.

2. Treatment of Fellow Board Members

Board members shall encourage the free expression of differing opinions and shall engage in honest and substantive debate concerning matters before the Board.

Disagreement among Board members can be an essential part of effective governance and shall not, by itself, constitute a violation of this policy.

Board members shall not demean, degrade, antagonize, harass, threaten, or humiliate another Board member.

3. Board Authority and Administration

Consistent with Board Policies 2100 and 2300, the Board exercises its authority collectively. An individual Board member has no authority to bind the Board or direct the work of the school system or its employees except as specially authorized by the Board in compliance with applicable law.

Board members shall honor the respective roles and distinct areas of responsibility of the Board and the Superintendent as set out in Policy 2010.

Board members shall not independently direct, supervise, discipline, or investigate school system employees.

4. Representation of the Board

Individual Board members may express their own opinions and positions on matters of public concern. However, members shall refrain from stating or implying that their personal views reflect the official positions of the school system or the Board. Per Policy 2220, no individual Board member is authorized to speak on behalf of the Board except for the Board Chair.

A Board member's disagreement with an action taken by the Board does not prevent the member from continuing to express that disagreement, provided that the member does not misrepresent the official action or position of the Board or otherwise violate this policy, other policies, or applicable law.

5. Complaints and Personnel Matters

Board members shall comply with Board-established processes for addressing complaints and grievances.

A Board member who receives a complaint, grievance, or other concern regarding a school system employee, school, or program shall refer the matter to the appropriate person per the applicable Board policy rather than independently attempting to investigate or resolve the complaint. In the absence of a directly applicable policy, the Board member shall refer the matter to the Superintendent or Superintendent’s designee.

6. Confidentiality and Privilege

Board members shall honor all laws and policies regarding the confidentiality of information they obtain in the course of their work as Board members, including but not limited to Policy 2125. Board members are specifically reminded that the wrongful disclosures of confidential personnel information may potentially be a crime and that wrongful disclosures of confidential student information may violate the federal Family Educational Rights and Privacy Act (FERPA). For these reasons, Board members are required to return or destroy all confidential school system records and are urged to turn over or destroy all personal notes that contain confidential information at the conclusion of their terms. Any Board member who refuses to turn over or destroy any personal notes containing legally confidential information at the conclusion of their term is strictly prohibited from sharing such information with any person who does not have a legal right to access it. Violations may be referred to appropriate authorities for legal action.

Board members shall also honor and preserve the attorney-client privilege and shall not make unauthorized disclosures of matters discussed in closed session.

7. Conflicts of Interest and Use of Office

Board members shall comply at all times with Board Policy 2121, Board Member Conflict of Interest.

Board members shall not use their position, authority, or access to information for personal, financial, or partisan gain and shall take no private action that will compromise the Board or administration.

8. Board-Employee Interactions

Board members recognize and value the professionalism, expertise, and contributions of school system employees and shall treat employees with dignity and respect in their interactions with them.

Board members shall follow protocols established by the Superintendent for interactions, communications, and meetings with school system employees, except where otherwise provided by Board policy.

Board members may question, challenge, or express disagreement with the recommendations, actions, decisions, or professional judgments of school system employees. Such disagreement is a legitimate part of Board oversight and shall not, by itself, constitute a violation of this policy. However, Board members shall not demean, degrade, antagonize, harass, threaten, or humiliate a school system employee.

Unless Board policy prescribes a different process, a Board member who has a concern regarding the performance, conduct, or actions of an individual employee or department shall address that concern privately with the Superintendent, the Superintendent’s designee.

C. Additional Board Member Responsibilities

Board members shall:

1. Maintain an understanding of current educational issues and matters affecting the Wake County Public School System;
2. Participate in required Board member training and ethics education as stated in Policy 2123;
3. Become familiar with applicable laws, Board policies, and the duties and responsibilities of the office;
4. Always keep in mind the objective of providing students the opportunity to receive a sound basic education as the Board's foremost consideration.

D. Board Member Acknowledgment

Each Board member shall sign an acknowledgment affirming that they have received, read, and understand the Code of Ethics, Code of Conduct, and Responsibilities.

E. Accountability and Review

The Board recognizes that the purpose of the Code of Ethics and Code of Conduct is to promote effective, ethical, and respectful governance and not to limit legitimate disagreement or dissent.

A Board member shall not be found to have violated these Codes solely because the member disagrees with, criticizes, questions, or votes against a decision, policy, recommendation, process, or outcome of the Board, the Superintendent, or the school system.

The Board recognizes that violations of this policy may vary in nature and severity and that appropriate responses may depend in part on the frequency, setting, and intent of the conduct at issue. For example, conduct occurring during a Board meeting may often be addressed by the presiding officer or the Board pursuant to the Board's adopted rules of procedure.

Unless mandatory reporting of a concern is required by law or other applicable policies, Board members are generally encouraged to address perceived violations of this policy informally with the goal of resolving them amicably directly with the subject of concern. Board members are reminded that written communications about a fellow Board member’s conduct are not protected by personnel privacy laws and may be subject to public disclosure.

When efforts to reach informal resolution are unsuccessful, or when a Board member believes that the conduct of a fellow Board member requires Board intervention to protect the integrity or legal interests of the Board, the member may refer the concern to the Board Chair or, if the concern relates to the Board Chair, to the Vice Chair. The Chair or Vice Chair, as appropriate, may discuss the matter separately with both the Board member who raised the issue and the subject of the concern and seek informal resolution.

If concerns persist despite the efforts described above, the Chair or Vice Chair, as appropriate, may consult with the Board Attorney on options to pursue more formal action as described below.

Formal Board Action

If efforts to pursue informal resolution are unsuccessful, or if the conduct of a Board member may require Board intervention to protect the integrity or legal interests of the Board, a Board member's conduct may be placed on the agenda for a public Board meeting in accordance with Board Policy 2330 for a consideration of a censure motion. For purposes of this policy, censure is an official, formal, reprimand of a Board member for his or her conduct in office.

The following protocols shall govern any potential censure action:

1. The Board member who is the subject of the concern shall receive at least fifteen days' written notice of basis for the potential motion, including the specific provisions of this policy believed to have been violated.
2. The Board member who is the subject of the concern may provide a written response no later than five days prior to the meeting where the censure motion may be considered. The response will be submitted to the Board Chair unless the Board Chair is the subject of concern, in which case the response will be shared with the Vice Chair. The Chair or Vice Chair, as appropriate, will share the response with all Board members and with the Board attorney.
3. A censure motion must be seconded before there can be any discussion by the Board.
4. As required by law, all proceedings related to a censure motion will occur in open session during an official public meeting of the Board, except that Board members may, to the extent allowed by law, enter closed session to discuss legally confidential information relevant to the concern (such as confidential student or employee matters) and/or to consult with the Board Attorney to preserve the attorney-client privilege.
5. The Board member whose conduct is at issue will be afforded a full and fair opportunity to speak in his or her own defense before any action is taken on the censure motion.
6. Debate will be limited to any concerns addressed in the prior written notice to the Board member who is the subject of the motion, as described above.
7. Following debate, the Board may take one of the following actions in closed session:
    a. Approve the censure motion by at least a two-thirds vote of those present and voting;
    b. Reject the motion; or
    c. Table the motion by simple majority vote for any reason, including but not limited to the desire to gather additional information and/or permit the Board member who is the subject of the concern to respond further.
8. In addition to, or in lieu of the actions described immediately above, the Board may also:
    a. Refer the matter to law enforcement or the appropriate prosecutorial office if violations of criminal law are confirmed or suspected;
    b. Request (but not require) that the Board member resign from the Board; and/or
    c. Issue an official warning that falls short of censure.

This policy is intended to provide a fair and orderly process for addressing serious concerns with the conduct of individual Board members. It does not preclude other lawful actions within the Board's authority. If other responses to Board member concerns are contemplated, the Board will first consult with the Board Attorney to help ensure that any contemplated actions are legally authorized and that due process is afforded.

Legal References

G.S. 115C-36, -47(1), -47(57), -50; 160A-86, -87; *Leandro v. State*, 346 N.C. 336 (1997)

Cross References

Policy 2010, Board and Superintendent Relations
Policy 2121, Board Member Conflict of Interest
Policy 2123, Board Member Opportunities for Development
Policy 2125, Confidential Information
Policy 2220, Election of Officers/Organization of Board
Policy 2330, Board Committees