

2.X Commissioner Censure and Accountability Procedure

The Commission has the duty to hold Commissioners to account for conduct that goes against the rules and code of ethics spelled out in this operations manual.

If concerns arise that Commissioners are conducting themselves in ways that violate the above standards, the following procedures will be utilized to address the problems and, if necessary, hold the Commissioner(s) accountable. The goal of the Commission's rules are to engage in progressive, transparent discipline, with the final recourse being to make a formal recommendation to the Mayor for the removal of the Commissioner.

2.X.1 In-Meeting Violations

A violation of rules in a Commission meeting requires the immediate action of the Chair leading the meeting. If a Commissioner violates a Commission rule during a meeting, the Chair must follow the procedure for in-meeting violations detailed in CPC Rule XXXX.

If a Commissioner is asked to be removed from two (2) meetings in a three-month period the Chair of the meeting from which the Commissioner was last removed, or the committee chair in the case of a workgroup meeting, must present a motion to the full Commission for their removal from all committees. This procedure should follow the same steps outlined in 2.X.3 of this rule.

2.X.2 Out-of-Meeting Violations

Not all Commission rule violations take place in meetings. If a Commissioner violates the rules and code of ethics spelled out in this operations manual outside of a Commission meeting, the Commission should follow the proceeding steps to resolve the violation:

2.X.2.1 Dispute Resolution

Before engaging in a formal accountability process, Commissioners are expected to address the issues directly with the individual commissioner who has violated the Commission's rules. Any commissioner may initiate the following suggested steps prior to engaging in the censure process:

- An individual conversation with the Commissioner regarding the concerns, focused on an attempt to come up with a collaborative solution;
- A conversation with the Commissioner and the Co-Chairs of the Commission regarding the concerns and potential solutions.

If these or similar steps are unsuccessful, or if the concerns rise to a level of seriousness that such an informal, collaborative process is not possible or productive, then the following steps of progressive discipline will be taken.

2.X.2.2 Letter of Censure

Any member of the Commission may make a motion for a Letter of Censure against a Commissioner during a regular meeting of the full Commission. The request to add it to the meeting agenda must be made to the Co-Chairs at least seven days before the full Commission meeting at which it will be presented. This request must include written and/or recorded documentation of the concerns. No less than five days before the full Commission meeting, all Commissioners must be

notified of the call for the Letter of Censure and sent the documentation addressing the concerns. If the conduct in question occurs after these deadlines have passed, no notice is required.

When a Letter of Censure is considered, the Commissioner against whom the motion is being directed will be allowed an opportunity to address the concerns no more than twice for a total of no more than ten minutes.

A Letter of Censure will require a majority vote of the Commissioners present at a full Commission meeting. If there is a majority vote for censure then a formal letter from the Co-Chairs acknowledging the concerns and the affirmative result of the censure vote shall be sent to the Commissioner subject to the motion. Upon receipt of the letter from the Co-Chairs, the censured Commissioner will work with the Co-Chairs and other Commissioners as applicable to address the concerns.

2.X.3 Removal from Commission Committees and Workgroups.

If concerns about a Commissioner's conduct persist after the commissioner has been censured, the Commissioner has repeatedly violated the Commission's rules, or the Commissioner refuses to take part in the progressive discipline process, by a majority vote of the Commission a process may be initiated for the removal of the Commissioner from Commission committees and workgroups.

Any member of the Commission may call for a removal of a Commissioner from Commission committees and workgroups. The request, along with written and/or recorded documentation of the concerns, must be provided to the Co-Chairs at least seven days prior to the full Commission meeting at which the motion will be considered. No less than five days prior to the meeting, the request and supporting documentation must be sent to all Commissioners. If the conduct in question occurs after these deadlines have passed, no notice is required.

When removal from committees is considered, the Commissioner against whom the motion is being directed will be allowed an opportunity to address the concerns no more than twice for a combined total of no more than ten minutes during the meeting where the motion has been presented and discussed.

Removal from committees and workgroups will require a majority vote of the Commissioners at a full Commission meeting and the vote will result in a formal letter from the Co-Chairs acknowledging the concerns and the affirmative result of the vote for removal from committees. Committee removal will be no less than three months but no longer than one year, unless there is an ongoing investigation into the conduct of the commissioner by an outside agency or City Department. After three months, the commissioner may petition the full Commission to be reinstated to committees.

The steps articulated in this rule may be skipped if the conduct in question is a lack of participation, and this rule is an exception to Commission rules 1.3.2 and 1.7.7, which outline attendance and participation requirements for Commissioners.

2.X.4 Recommendation for Removal from the Commission.

If concerns about the Commissioner's conduct persist after previous steps have been taken, any Commissioner may initiate a process to recommend to the mayor that a Commissioner be removed from the Commission.

Written and/or recorded documentation of the concerns must be provided along with the request to the Co-Chairs at least seven days prior to the full Commission meeting at which the motion will be considered. No less than five days prior to the meeting, the request and supporting documentation must be sent to all Commissioners.

When a request for removal from the Commission is considered, the Commissioner against whom the motion is being directed will be allowed an opportunity to address the concerns no more than twice for a total of no more than ten minutes in the meeting where the concerns are discussed.

A recommendation for removal from the Commission will require a majority vote of the Commissioners at a full Commission meeting. Within ten business days of the vote, the Co-Chairs will send a formal letter to the Mayor requesting the removal of the Commissioner from the Commission. The letter will outline the concerns raised during the process, the results of the vote, and written documentation of the previous steps in the accountability process.

While the letter is pending with the Mayor, the Commissioner shall be removed from all Committees and workgroups if they have not already been removed. A response, or lack of response, from the Mayor does not negate any discipline the Commission has applied or continues to apply to a Commissioner.

If a Commissioner is under investigation for a serious offense or facing allegations of discrimination against a protected class, harassment, sexual harassment, or criminal indictments, the Co-Chairs will encourage the commissioner to take a voluntary leave of absence. If the Commissioner chooses this course of action, the Commissioner will not be held to attendance and participation rules included in this manual of rules.

Commissioners are subject to all municipal codes, including section 605.04 of the City Charter, which makes disturbing a lawful meeting a fourth degree misdemeanor.

2.X.5 Discipline of a Co-Chair

When a Co-Chair violates the rules and code of ethics spelled out in this operations manual, instead of following the procedures previously outlined in Rules 2.X.1 – 2.X.4, any Commissioner may introduce a motion to remove the Co-Chair who is in violation from their role and duties as Co-Chair. If the motion passes, the Commission should immediately run an election, per the Commission's Co-Chair election rules, to replace the Co-Chair who has been removed.