

Removals and Suspensions from the MHLS Board

In accordance with New York State Education Law, Section 226(4), "If any trustee shall fail to attend three consecutive meetings without excuse accepted as satisfactory by the trustees, he shall be deemed to have resigned..." Therefore, each Trustee shall notify either the Board President or the Executive Director in advance if unable to attend a Board meeting.

In accordance with New York State Education Law Section 226(8), a Trustee may be removed from the board for "...misconduct, incapacity, neglect of duty" or refusal or failure to carry into effect the System's purpose as defined in the mission statement. Additional causes for removal or suspension may include:

- A significant breach of the MHLS bylaws, policies or procedures, in particular the MHLS Ethics, Conflict of Interest, and Sexual Harassment Prevention Policy; or
- Willfully or recklessly engaging in misconduct that causes or will cause material harm to the System, including to the reputation or mission of the System; or
- A trustee who pleads guilty to any misdemeanor (other than traffic violation), felony, or any crime involving fraud, dishonestly or misappropriations.

In the event that information is brought forward that a Trustee is engaged in behavior(s) that suggest that the Trustee should be removed from the Board, the Trustee may be subject to a removal hearing conducted by the Board in a special meeting called for that purpose upon at least ten (10) days written notice specifying the time and place of such hearing and a description of the allegations. The President of the Board, if not the accused, or the Vice President if the President is the accused, shall preside over such meeting as he would over any other Board meeting. The presiding officer will appoint a Trustee to present the substance of the allegations and the proof thereof and the accused Trustee will be permitted a full and fair opportunity to respond.

The hearing will take place in Executive Session, which is not a hearing on the record, nor is it open to the public. Each Trustee shall have one vote, except for the accused. If the number of Trustees present at this Executive Session who vote in favor of removal or suspension constitutes a two-thirds majority vote of the full fifteen-member Board of Trustees, then the motion shall be carried. For the purpose of this hearing, including the subsequent open meeting as noted below, the President or the presiding officer shall have a vote. Immediately following the Executive Session, if there is a determination that the accused Trustee is subject to removal or suspension, a resolution in open meeting shall be moved to a vote for the accused Trustee to be removed from the Board. The accused Trustee shall not be permitted to vote in the open meeting. This resolution shall require a two-thirds majority vote of the full fifteen-member Board of Trustees to become effective.

As directed by New York State Public Education Law, Section 226, the Executive Committee may not make removals from office.

Approved: September 2022