

Claverack Free Library

Removal of a Trustee

Approved: March 2018

Initiation of Investigation

Any member of the Board of Trustees may initiate the procedure for the removal of another Trustee for cause (as defined below) upon a motion made at any duly convened meeting of the Board of Trustees by presenting such evidence as such moving Trustee deems sufficient to show that such other Trustee should be removed for “cause.” The policy shall define “cause” as follows:

- (a) A Trustee’s breach of any material duty or obligation under the Library’s Articles of Incorporation, Bylaws, or policies;
- (b) A Trustee is convicted or pleads guilty or nolo contendere to any misdemeanor (other than traffic violation), felony, or any crime involving fraud, dishonesty or misappropriation;
- (c) A Trustee willfully or recklessly engages in misconduct that causes or will cause material harm to the Library, including to the reputation or mission of the Library; or
- (d) A Trustee willfully engages in an act that constitutes a conflict of interest with the Library without the approval of the Library’s Board of Trustees as may be provided in the Library’s Articles of Incorporation or Bylaws from time to time.

In addition, pursuant to NY Education Law Section 226, subdivision 8, a Trustee may be removed for misconduct, incapacity, neglect of duty or refusal to carry into effect the library’s educational purpose.

Investigation

Following such Motion, the Board of Trustees shall vote whether to investigate such Trustee proposed to be removed for cause (the “Investigated Trustee”) in light of the evidence presented. If the Board of Trustees chooses to initiate an investigation, the Board of Trustees shall select members of such body to form an ad hoc investigative committee, which shall conduct an investigation of such Investigated Trustee concerning the allegations made by the moving member. Upon a Trustee becoming an Investigated Trustee, such Investigated Trustee shall not be entitled to vote on matters submitted for a vote to the Board of Trustees or to any committee thereof or to attend meetings of the Board of Trustees or any committee thereof. The investigation shall be concluded on or prior to the sixtieth (60) day following the motion referenced in “Initiation of Investigation” above. The ad hoc investigative committee shall submit its results via a written complaint setting forth the factual basis for removal to each member of the Board of Trustees at the time of such conclusion. A copy of the complaint shall be delivered at the last known address of an Investigated Trustee by first class mail and also by certified mail return receipt requested not less than seven (7) days prior to

the date of the meeting at which such resolution is to be considered.

Rebuttal

Within thirty (30) days following the submission of the results of the investigation to the Board of Trustees, the Investigated Trustee shall have the opportunity to notify the Board of Trustees of such Investigated Trustee's intent to rebut the findings of the investigation. Such rebuttal may be submitted to the Board of Trustees in the form of written documentation and/or in the form of an oral presentation. Such rebuttal must be presented to the Board of Trustees no later than thirty (30) days following the submission of the results of the investigation to the Board of Trustees.

Removal

Following the rebuttal, if any, the Chairperson of the Board of Trustees shall call a meeting of the Board of Trustees for the purpose of voting on the removal of such Investigated Trustee. Such meeting shall be held not less than thirty (30) days following the submission of the rebuttal referenced in the preceding paragraph.

Alternate

Alternatively, the Investigated Trustee may resign in lieu of the Board voting upon the resolution.