

**RESOLUTION OF THE GOVERNING BOARD
OF THE OCEAN VIEW SCHOOL DISTRICT OF ORANGE
COUNTY REGARDING CENSURE OF
TRUSTEE NORM WESTWELL**

Resolution No. 10:2021

WHEREAS, Board Bylaw 9005, "Governance Standards," states that the Board's "primary responsibility is to act in the best interests of every student in the District;"

WHEREAS, Board Bylaw 9005 further states that, "To maximize Board effectiveness and public confidence in District governance, Board Members are expected to govern responsibly and hold themselves to the highest standards of ethical conduct;"

WHEREAS, Board Bylaw 9005 further states that, "The Board expects its members to work with each other and the Superintendent to ensure that a high-quality education is provided to each student;"

WHEREAS, Board Bylaw 9005 further states that, "Each individual Board Member shall... 'Recognize and respect differences of perspective and style on the Board and among staff, students, parents, and the community;'"

WHEREAS, Board Bylaw 9005 further states that, "Each individual Board Member shall... 'Act with dignity, and understand the implications of demeanor and behavior;'"

WHEREAS, Board Bylaw 9005 further states that, "Board Members shall assume collective responsibility for building unity and creating a positive organizational culture" and "Govern in a dignified and professional manner, treating everyone with civility and respect;"

WHEREAS, Board Policy 0150 sets "clear expectations for civil behavior that support a safe, welcoming, and nurturing environment on school property and at school-related activities," noting that "Expected behaviors include, but are not limited to,

- Respect and courtesy in language, demeanor, and actions
- Moderate tone and volume of voice, and
- Respect for the personal, civil, and property rights of others."

WHEREAS, Board Policy 0150 further states that, "Unacceptable behaviors include, but are not limited to,

- Rude, insulting, or demeaning language and/or actions
- Displays of temper
- Harassment and intimidation; and
- Threatening and/or abusive gestures or behavior."

WHEREAS, Robert's Rules of Order for parliamentary procedure calls for "decorum" as a fundamental underlying tenant of meeting conduct, and

WHEREAS, the Governing Board of Ocean View School District of Orange County makes the following factual findings:

1. That adherence to the Board Bylaws and appropriate Governance Standards are primary responsibilities of the Board and in the best interests of every student in the District;
2. That each Board Member must act with dignity and understand the implications of their demeanor and behavior;
3. That the following conduct by Board Member Norm Westwell falls short of the Board's expectations and supports the issuance of this Censure Resolution:

The Ocean View School District (“District”) has completed its investigation related to an incident involving Trustee Norm Westwell on November 19, 2019, of which complaints were filed by parent Emily Anderson, Board Member Gina Clayton-Tarvin, and Board Member Norm Westwell.

The investigation was conducted by an independent Investigator, Scott Danforth, attorney with the Law Firm of Atkinson, Anderson, Loya, Ruud & Romo.

The Investigator discovered evidence that the claimed interactions and statements occurred in some form, during the November 19, 2019, incident.

The Investigator found the following evidence supported a conclusion that Westwell violated the Board Policies and Bylaws pertaining to civility and unacceptable behavior for Board Members:

- A Board of Trustees meeting took place on November 19, 2019, in the Ocean View School District Board room. When the meeting concluded, all of the Board Members began packing up their belongings. Most of the attendees quickly left the Board room when the meeting concluded, leaving Clayton-Tarvin, Jack Souders (“Souders”), John Briscoe (“Briscoe”), Westwell, Patricia Singer (“Singer”), Emily Anderson (“Anderson”) and her two children in the Board room.
- While Westwell was packing up behind the dais, Anderson approached and said something to the effect of “I am tired of your negative comments during Board meetings and you never have anything nice to say about teachers or students.”
- After packing up, and while inside the Board room, Clayton-Tarvin and Souders had a brief discussion about parliamentary procedures. While Clayton-Tarvin and Souders spoke, Westwell positioned himself inside the Board room, near the northwest entrance/exit.
- As Clayton-Tarvin and Souders were walking to the northwest entrance/exit of the Board room, Clayton-Tarvin noticed Westwell in the hallway between her and the northwest exit.

(There are only two exits that are regularly used for the Board room, both are at the north side of the building. The northwest exit leads directly to the parking lot in front of the building. The other northern exit requires additional walking to reach the parking lot.)

- While approaching the hallway to the northwest exit and after seeing Westwell, Clayton-Tarvin made a comment to the effect of, “I’m afraid of you Trustee Westwell, you have to leave,” and Westwell responded, “I don’t have to leave.” Clayton-Tarvin then requested that Westwell move out of her way, saying that he was blocking her way. Westwell was approximately 5 or

6 steps from the northwest exit to the Board room. Westwell responded by saying words to the effect of, "I'm not blocking you, there's a door behind you, you can leave," referring to the second northern exit. Clayton-Tarvin requested that Westwell move out of the way 2-3 times. After being asked to move on more than one occasion, Westwell moved and gave Clayton-Tarvin room to pass.

- After exiting the room, Anderson made a comment to Westwell to the effect of, "Just leave her [Clayton-Tarvin] alone." In response, Westwell made a comment to Anderson that your kids were "rude and disrespectful." At this point, an argument between Westwell and Anderson erupted. Anderson and Westwell began raising their voices. Anderson responded "Excuse me?" and said something to the effect of, "you were elected to represent these kids" and "you work for me." Westwell continued by saying something to the effect of, "other parents have come to me to complain about your disgustingly disrespectful children."

(During the argument, the distance between Anderson and Westwell ranged from inches to 2-3 feet and lasted between 1 and 5 minutes.)

- While the argument was still occurring, Clayton-Tarvin began looking for her cell phone to video tape the incident. Before any video recording occurred, Westwell began walking away from the altercation. As Westwell was walking away, Clayton-Tarvin started videotaping and narrating some of what she recalled happening.
- On the video recording, Clayton-Tarvin reiterated that Westwell had called a 5 year old and 8 year old rude and he had gotten in the face of a parent. She said "You're out of control. You need to be taken away." Westwell responded "get over it" and also "Someone's gonna drop a house on you Gina." Clayton-Tarvin then suggested that Anderson should call the police, to which Anderson responded, "Oh I'll be doing something," and yelled, "Get out of here Norm." Westwell responded "Bite me" and then got in his car and left.

WHEREAS, the Investigator concluded that Westwell violated Board Policies and Bylaws when he temporarily blocked Clayton-Tarvin's exit and also by making inappropriate comments about Anderson's children and/or her parenting. Accordingly, the Investigator concluded that while there was insufficient evidence that Westwell's actions were threatening, there was sufficient evidence that his conduct violated District policies and that a censure of Trustee Westwell, directing him not to engage in such behavior in the future, was a viable option in response to the findings.

WHEREAS, the Governing Board determines that Trustee Westwell's conduct is unacceptable, unprofessional, and a violation of the Board Bylaws cited above.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the Governing Board of the Ocean View School District of Orange County hereby finds that the foregoing recitals are true and correct.

BE IT FURTHER RESOLVED AND ORDERED that based on these recitals, the Governing Board of the Ocean View School District of Orange County hereby censures Trustee Norm Westwell and proclaims publicly that this Board disapproves of the aforementioned conduct and finds it to be a violation of the Board Bylaws and unacceptable behavior that shall not be tolerated.

BE IT FURTHER RESOLVED AND ORDERED that Trustee Norm Westwell not engage in such behavior in the future, and shall treat fellow Board Members and the Public with dignity and respect at all times.

PASSED AND ADOPTED by the following vote of the members of the Governing Board of the Ocean View School District of Orange County, State of California, this ____ day of _____ 2020:

AYES:

NOES:

ABSTENTIONS

ABSENT:

APPROVE:

Gina Clayton-Tarvin, President
Board of Trustees of the Ocean View
School District of Orange County

ATTEST:

Jack Souders, Clerk
Board of Trustees of the Ocean View
School District of Orange County