

Motion to Censure Mr. Matthew Wilcox, Board Vice President

Whereas, On April 13, 2020, Vice President of the Board of Education (BOE) Matthew Wilcox accused BOE member Darnell Goldson of impugning the character of an as yet to be identified New Haven Public School employee(s) in violation of BOE Bylaws 9325(a) (E) and (H).

Whereas, Mr. Goldson denied the accusations and demanded a written explanation of the charges, identification of the supposed impugned staffers, an apology from Mr. Wilcox, and a correction of the record.

Whereas, Mr. Goldson requested the written explanation and apology at the April 13, April 27, and May 11, 2020 regular BOE meetings; and

Whereas, on May 13, 2020, Mr. Wilcox forwarded a written explanation by email to Mr. Goldson and Ms. Rivera stating that *"I called a point of order **because my interpretation** of your comments was that they were not in accordance with the above quoted portions of our bylaws." Mr. Wilcox additionally stated that *"I saw this as showing a lack of respect for staff members, **the implication being that they were not truthful and were misrepresenting to the board and the public how they were spending public funds.** Further, you made the point of connecting all this to taking funds from African American contractors and giving the funds to others. While it is accurate to note that in two meetings two not to exceed contract amounts were reduced for two African American contractors, adding that observation to your comments implied that there was a racially related motivation on the part of the staff involved."**

Whereas, 9271(j)(c) Bylaws of the Board - Code of Ethics, Standards of Conduct states that "New Haven Board of Education members...shall refrain from abusive conduct, personal charges, or affronts upon the character, motives, or intents of other New Haven Board of Education members..."

Whereas, 9271(j)(h) Bylaws of the Board - Code of Ethics, Standards of Conduct states that "New Haven Board of Education members shall not interfere or seek to interfere with the duties or responsibilities of other New Haven Board of Education members..."

Whereas, 9325(a) (E) Bylaws of the Board - Meeting Conduct states that a member of the Board "Shall show the utmost courtesy and respect to other colleagues and staff, as well as to all witnesses and members of the public in attendance, neither insulting witnesses nor mistreating them in any way"; and

Whereas, 9325(a) (H) Bylaws of the Board - Meeting Conduct states that a member of the Board "shall not cast personal insults, racial or religious epithets or any other derogatory remark, slur or falsehood which in any way attempts to impugn the character, personality or motives of a colleague."

Whereas, Mr. Wilcox violated Bylaw sections 9271(j)(c) and 9325(a) (E) and (H) by accusing Mr. Goldson of impugning the character of staff members, including accusing Mr. Goldson of implying that staff members were falsely presenting financial information, and showing lack of respect for Mr. Goldson's opinions and views. In his own words in his May 13 email stated that he substituted his own interpretation for the actual statements made by Mr. Goldson; "**because my interpretation of your comments was that they were not in accordance with the above quoted portions of our bylaws...I saw this as showing a lack of respect for staff members, the implication being that they were not truthful and were misrepresenting to the board and the public how they were spending public funds...** When a board member calls into question the motives of staff or implies that they are falsely presenting financial information, it erodes public confidence in the integrity of NHPS.

Whereas, Mr. Wilcox violated Bylaw sections 9271(H) by incorrectly using parliamentary procedure to interfere with Mr. Goldson's statutory and bylaw responsibilities to question school expenditures and request information available to make informed decisions, as outlined in By-Law section 9020; "Before voting on any issue, all Board members shall be encouraged to present whatever evidence they may feel important to the matter at hand. The Board shall fully consider the implications and relevancy of all information so presented. All opinions, reactions and positions shall be openly discussed, so that each member may understand all aspects of the issue before the Board makes its decision"; and

Whereas, Mr. Wilcox violated Bylaw sections 9325 (a)(H) by personally insulting Mr. Goldson during the meeting where he stated "I would think that the former Finance and Operations chair and Board president [Mr. Goldson] would understand something as simple as a contract not to exceed..."; and

Whereas Mr. Wilcox has refused to acknowledge these violations, apologize and correct the record; and

Whereas, Mr. Wilcox's actions and his lack of lack of acknowledgement and apology does not support and contribute to the maintenance of a positive and constructive workplace environment.

Now it is hereby resolved the Board of Education agrees that Mr. Wilcox has violated the Board of Education bylaws, disapproves of such violations, and officially censures Mr. Wilcox. Be it further resolved to correct the record to acknowledge that Mr. Goldson did not impugn the character of any staff person at the regular Board of Education meeting of April 13, 2020.

Motion to Censure - Explanation and use

The motion to censure is a main motion expressing a strong opinion of disapproval that could be debated by the assembly and adopted by a majority vote. According to [*Robert's Rules of Order*](#) (Newly Revised) (RONR), it is an exception to the general rule that "a motion must not

use language that reflects on a member's conduct or character, or is discourteous, unnecessarily harsh, or not allowed in debate."

Serious grounds for censure against presiding officers (presidents, chairmen, etc.) are, in general: arrogation or assumption by the presiding officer of dictatorial powers – powers not conferred upon him by law – by which they harass, embarrass and humiliate members; or, specifically:

- (1) they refuse to recognize members entitled to the floor;
- (2) they refuse to accept and to put canonical motions to vote;
- (3) they refuses to entertain appropriate [appeals](#) from his decision;
- (4) they ignore proper points of order;
- (5) they disobey the [bylaws](#) and the [rules of order](#);***
- (6) they disobey the assembly's will and substitutes his own;
- (7) they deny to members the proper exercise of their constitutional or parliamentary rights.

Censure (main motion)	
Requires second?	Yes
Debatable?	Yes
Amendable?	Yes
Vote required	Majority

Background Information

April 13, 2020 – at our regular Board of Education (BOE) meeting, Mr. Matthew Wilcox, Vice President of the BOE,

- stated that I had violated the bylaws and decorum of the board by “impugning and maligning” staff members (currently not identified by Mr. Wilcox) and cited the BOE bylaws sections:

9325(a) (E) - show the utmost courtesy and respect to other colleagues and staff, as well as to all witnesses and members of the public in attendance, neither insulting witnesses nor mistreating them in any way; and

9325(a) (H) - not cast personal insults, racial or religious epithets or any other derogatory remark, slur or falsehood which in any way attempts to impugn the character, personality or motives of a colleague.

- He further stated that "I would think that the former Finance and Operations chair and Board president [Mr. Goldson] would understand something as simple as a contract not to exceed... and I don't see any reason why we should be maligning and impugning the characters of our staff members." Mr. Wilcox was both insulting Mr. Goldson by

questioning his ability to comprehend the board action as well as again accusing him of maligning as yet to be named staff members.

- He further stated that "his [Mr. Goldson's] contention is that to suggest that staff members are steering business away from African American contractors...and to suggest that people are doing some sort of conspiracy impugns there [sic] character and he didn't appreciate it and he called it out because it is in the By-Laws."
- Ms. Yesenia Rivera commented that she agreed with Mr. Wilcox.
- Mr. Goldson denied these accusations and demanded a written explanation of the charges including what he actually said which impugned anyone's character and whom was impugned, an apology from Mr. Wilcox, and a correction of the record.
- Mr. Goldson's statements:
"Concerned with adding additional dollars to purchase additional cameras for school parking lot when we can't afford to pay our staff."
"Concerned with adding dollars to a plumbing contract when the use of plumbing has been drastically reduced [by over 95%] since people haven't been in the building for over a month and probably will not be so until the end of the school year."
"Next concern was about...increasing dollars for trash removal for All American Waste when we are creating 98+% less waste."
Mr. Goldson went further to I suggested that funds for snow removal (a local black contractor) were transferred to a waste management contractor (an out of town white contractor). This is a fact; the funds were for the same amount and from the same funding source. Mr. Goldson further commented I commented that we do not information as to how much the waste management contractor had already spent on waste management, and due to the highly reduced production of waste in our schools, we could not judge as to adding the need to adding funds to their contract. He then mentioned that this has happened for a second meeting where funds were transferred from a local black contractor to an out of town white contractor [this is also a fact] and thought that the snow removal reduction for the black contractor was reasonable but the waste management additional dollars was not reasonable based on the limited information we had.

April 27, 2020 – at the regular BOE meeting, Mr. Goldson reminded Mr. Wilcox and the BOE that he had still not received the requested written explanation of the accusations made by Mr. Wilcox, nor an apology.

May 11, 2020 – at the regular BOE meeting, Mr. Goldson again reminded the BOE that his request for a written explanation had not been responded to and that he intended to file a formal complaint if not resolved before the next meeting.

May 12, 2020 – Mr. Wilcox sent the following email to Mr. Goldson.

On Tue, May 12, 2020 at 2:50 PM WILCOX, MATT <MATT.WILCOX@new-haven.k12.ct.us> wrote:

Mr. Goldson,

Please note that I am sending this only to you and to Yesenia. It is my attempt to abide by our bylaws' suggestion to solve this by quiet and informal means.

I explained my reasoning when I made my point of order in the April 13 meeting. The video and minutes are available. In my opinion, comments from a passionate member of the board were going too far, so I made my point of order, citing some relevant parts of our bylaws. While that was the first meeting where I made my point of order, it was the second meeting in a row where I had the similar concern.

When one disagrees with a point of order that is upheld by the chair, Robert's Rules allows one to challenge the decision of the chair. If seconded, debate then happens under limited debate rules before the board decides the matter with a vote. After that, our bylaw 9325(a)(D) states that we shall abide by the rulings.

I do not intend to comment further. I suppose if you decide to continue with your stated intention to move to censure me at the next meeting, and if it is seconded, I will be ready to debate it. I'm the guy who goes through 1000 emails to be ready for a discussion, so I suppose it will be a thorough debate. It is difficult for me to imagine a more unfortunate use of the public's time.

Under your leadership, the board spent a lot of time revising the bylaws, and they are something of which to be proud. My hope is that all board members will review the bylaws relevant to meetings and that we abide by them. Our district has tremendous challenges before us and I hope we can all work together. When we do, it is great. Last night for instance: your knowledge of the process and your understanding of the need for clarity means that now the district has a grading policy for the 4th marking period two weeks earlier than we would have. That news is already out there to students, like my daughter and her fiends, and they are feeling a sense of relief. Thank you for that.

Best,
--matt

May 12, 2020 Mr. Goldson responded with the following email.

From: darnell goldson <dagoldson@gmail.com>

Sent: Tuesday, May 12, 2020 3:25 PM

To: WILCOX, MATT <MATT.WILCOX@new-haven.k12.ct.us>

Cc: GOLDSON, DARNELL <DARNELL.GOLDSON@new-haven.k12.ct.us>; RIVERA, YESENIA <YESENIA.RIVERA@new-haven.k12.ct.us>

Subject: Re: Board Members Behavior

Matt,

My response to you is real simple, this is not a question of opinion, it is a question of facts. If you have solid evidence that I impugned anybody, a quote (the video is available), a written statement, anything, then show it to me. If I impugned anyone, I would be happy to publicly apologize to that person(s) and move on.

If you made that opinion and accusation without evidence or facts, you are impugning my character, and actually slandering me. The way we move on is for you to man up and admit that mistake, on the record.

I won't try to make you understand how it is to walk in my shoes as a black man and a public figure, you'll never be able to understand it. I work hard to provide a positive image for my family, and my community, and I work hard to protect that image. Any public dent to that image is dangerous, and tends to grow with time. I won't let these slights go, no matter how small someone like you, who doesn't walk in my shoes, may think it is.

I may not perhaps be able to get a second on my proposal, and even if I did I would imagine that I probably won't get the votes to approve. But, luckily this is America and there are other remedies to get justice. I didn't allow mayor Harp or Dr. Birks to sully my character, and if you research my past you will see that I have not allowed others to do so also. As an alderman, I spent nearly \$5000 on legal fees fighting a false simple trespassing charge because I was innocent (and won), though I could have paid a \$25 fine and been done with it.

The video is available, I'll send you a link if need be. I did not impugn anyone, and I expect for you to do the right thing and fix it by admitting to your mistake. If not we will meet in another more costly venue to fix this. Either way, I will get my justice.

Darnell

May 13, 2020 Mr. Wilcox responded with the following email.

WILCOX, MATT
Wed 5/13/2020 3:54 PM
Darnell,

I appreciate you taking the time to explain how you see this event, and your reasons for working hard to protect your public image.

I am taking the time to review the recordings and write this response for two reasons. One is to try to work this out as our bylaws suggest, through quiet and informal means.

And second, because I truly respect you and what you bring to the board. I am certainly not responding out of any fear of your threats of legal action.

I have reviewed the recording as you requested. Clearly we have a disagreement on how to interpret the event and our bylaws.

In my point of order I cited part of bylaw 9325(a):

A member of the Board and members of the public shall:

(E) show the utmost courtesy and respect to other colleagues and staff, as well as to all witnesses and members of the public in attendance, neither insulting witnesses nor mistreating them in any way;

and

(H) not cast personal insults, racial or religious epithets or any other derogatory remark, slur or falsehood which in any way attempts to impugn the character, personality or motives of a colleague

As a long-serving BOE member you have voted to approve millions of dollars in not to exceed contracts. As a former BOE president and former F&O chair, I assume you are knowledgeable of the regular occurrence of how and why the not to exceed amount would be increased or decreased. A search of the record would show how many times you have voted to approve the changing of these types of funding amounts. You heard testimony in that meeting, as an example, as to why a snow removal not to exceed contract would be changed. In the past you have received various accounting statements, invoices, check registries, etc, as a former F&O member, and would know that all backup for every dollar spent through these contracts can be accounted for. In fact, the level of transparency the district has now is in no small part due to your efforts. And you know the board can require reports or audits or information on all of this.

In the meeting, even after explanations from staff and comments from board members who were former principals about the nature and reasons for the changes, you continued to suggest that none of the above was true. I saw this as showing a lack of respect for staff members, the implication being that they were not truthful and were misrepresenting to the board and the public how they were spending public funds. Further, you made the point of connecting all this to taking funds from African-American contractors and giving the funds to others. While it is accurate to note that in two meetings two not to exceed contract amounts were reduced for two African-American contractors, adding that observation to your comments implied that there was a racially related motivation on the part of the staff involved. As I recall, this was the second meeting where this implication was made.

As I stated in my previous email and in the meeting, I called a point of order because my interpretation of your comments was that they were not in accordance with the above quoted portions of our bylaws. You do not want anyone to sully your character. I assume our staff does not want anyone to sully their character, and I certainly do not want another board member to be doing that. I have had conversations with you about meeting conduct of board members while you were president, so you know my opinions on the subject. I assumed your comments that evening were made in the heat of the moment, so the point of order was an appropriate procedure to seek for the chair to enforce our meeting conduct rules. You could have challenged the decision of the chair that you were out of order, and we could have had the board vote on the matter there and then.

By definition, questions of bylaw interpretation, particularly around what defines “utmost courtesy and respect” or impugning character, involves opinion. The board has meeting conduct bylaws and can vote when there is a difference of opinion. If the intent of the board was to remove questions of opinion or interpretation about those bylaws, then the board could have provided definitions of precisely what constituted the conduct it does not allow.

Upon reflection and review of the materials, I still think what I thought in that meeting. When a board member calls into question the motives of staff or implies that they are falsely presenting financial information, it erodes public confidence in the integrity of NHPS. It also leads to a culture of fear when staff members know that their motives or character will be called into question in public meetings, in spite of bylaws to the contrary.

I suggest we think about this for several days. You list only two possible outcomes: I prove you wrong through some presentation of evidence that you deem solid and then you apologize to staff, or I publicly apologize to you. I suggest that we do both. I think you harmed some of our staff members with your comments. I think they think the same thing. You think I have harmed you. Your public image is vitally important to you. It is vitally important to me that when we create harm, we repair the harm. What a tremendous blessing it would be to the city if we were a board that repaired the harm we cause.

Best,
—matt

May 13, 2020 Mr. Goldson responded with the following email.

GOLDSON, DARNELL
Wed 5/13/2020 6:17 PM

To: WILCOX, MATT; darnell goldson <dagoldson@gmail.com>
Cc: RIVERA, YESENIA

Mr. Wilcox:

At 1:26:35 I was commenting on the adding of funding to contractors, and was especially concerned that we were adding funds to a waste management contract when we have reduced our use in building by 98+%. I suggested that funds for snow removal (a local black contractor) were transferred to a waste management contractor (an out of town contractor). I commented that we do not information as to how much the waste management contractor had already spent on waste management, and due to the highly reduced production of waste in our schools, we could not judge as to adding the need to adding funds to their contract. I mention that this has happened for a second meeting where funds were transferred from a local black contractor to an out of town white contractor, and thought that the snow removal reduction was reasonable but the waste management additional was not based on the limited information we had.

The April 13 minutes [attached] (which have not been posted to our website for some reason) states that Mr. Wilcox said "his [Mr. Goldson's] contention is that to suggest that staff members are steering business away from African American contractors...and to suggest that people are doing some sort of conspiracy impugns there [sic] character and he didn't appreciate it and he called it out because it is in the By-Laws."

You interrupted my comments to suggest that I was violation our policies by "maligning or assigning intentions to a staff member". At point 1:29:26 [link - <https://vimeo.com/408082223>] you begin the explanation of your point of order by stating "I would think that the former Finance and Operations chair and Board president would understand something as simple as a contract not to exceed," [a clear insult by questioning my ability to comprehend this transaction] and then you go on to say "and I don't see any reason why we should be maligning and impugning the characters of our staff members". The president of the Board (Rivera) then commented that she agreed with your point. You cited two sections of the bylaws:

9325(a) (E) - show the utmost courtesy and respect to other colleagues and staff, as well as to all witnesses and members of the public in attendance, neither insulting witnesses nor mistreating them in any way;

9325(a) (H) - not cast personal insults, racial or religious epithets or any other derogatory remark, slur or falsehood which in any way attempts to impugn the character, personality or motives of a colleague;

The word malign does not appear in our bylaws, but impugn clearly does. Impugn is defined as "dispute and/or call into question the truth, validity, or honesty of (a statement or motive)."

I responded that I did not malign or impugn anyone's character. I asked you to provide in writing when and how I impugned someones character during my comments. I have

politely reminded you at each board meeting since that I was still awaiting an explanation by you as to whom I impugned, and have waited more than two months to no avail. Your responses have been to suggest that you were within your rights to interrupt my comments to make the point of order. I will submit that each board member is within their rights to do so, though I believe some members have abused the right to try to limit debate.

But you have not addressed the underlying issue, and that was to actually prove your point that I impugned someone's character. additionally, you have not provided any proof, written or videoed to prove that I insulted witnesses or mistreating them in any way, cast personal insults, racial or religious epithets or any other derogatory remark, slur or falsehood which in any way attempts to impugn the character, personality or motives of a colleague.

You state in a previous email to me that *"I called a point of order **because my interpretation** of your comments was that they were not in accordance with the above quoted portions of our bylaws."* You additionally stated that *"I saw this as showing a lack of respect for staff members, **the implication being that they were not truthful and were misrepresenting to the board and the public how they were spending public funds.** Further, you made the point of connecting all this to taking funds from African-American contractors and giving the funds to others. While it is accurate to note that in two meetings two not to exceed contract amounts were reduced for two African-American contractors, adding that observation to your comments implied that there was a racially related motivation on the part of the staff involved."*

Your comments prove my point that I did not impugn anyone, but instead your "interpretations" as well as your "implied" interpretations of my comments that I said something which WAS NOT said directly was evidence enough that I had done what you thought, or wanted to think I had done.

I'm going to demand once again that you and the President correct this by the next meeting, in public and on the record. But quite frankly at this point I almost hope you do not, especially after the insult you made regarding my intellectual capabilities. The video, the written record, and your recent email to me provides more than ample evidence that your comments and interpretations of my comments were incorrect, as well being both slanderous and libelous.

This is my final polite request to correct this issue of concern. The next steps will be to provide a resolution for censure and/or a lawsuit seeking relief.

Best,

Darnell Goldson

