

Davis Joint USD

Board Bylaw

Complaints Concerning Board Members

BB 9312.1

Board Bylaws

The Governing Board ~~of Education~~ accepts responsibility for establishing standards to ensure the impartial investigation and resolution of complaints concerning Board members. The Board desires that complaints be resolved expeditiously without disrupting the educational process.

A complaint shall be deemed to concern a Board member when a complaint regarding a matter within the jurisdiction of the district is filed by a Board member or names a Board member as the complainee.

A complaint shall also be deemed to concern a Board member when a complaint regarding a matter within the jurisdiction of the district is filed by or names a relative of the member as the complainee. For purposes of this bylaw, relative means any person who is related to the member by blood or affinity within the third degree as determined by the common law (i.e., spouse, sibling, child, parent, aunt or uncle, nephew or niece, grandparent, and/or grandchild).

Complaints concerning a Board member shall be filed with the Superintendent and/or Board President. Upon determining that a complaint concerns a Board member, the Superintendent or designee shall notify all members of the Board regarding receipt of the complaint. When a Board member is named in any capacity in a complaint, the Superintendent shall notify that member within three workdays.

Complaints concerning a Board member shall be processed in accordance with the Board policy and regulation applicable to the complaint as determined by the Superintendent or designee. Investigation and/or resolution of a complaint pursuant to such policy or regulation may be delegated and/or assigned to an outside expert, consultant or attorney as determined by the Board in consultation with the Superintendent or designee.

(cf. 1312.1 - Complaints Concerning District Employees)
(cf. 1312.2 - Complaints Concerning Instructional Material)
(cf. 1312.3 - Uniform Complaint Procedures)
(cf. 3515.2 - Disruptions)

Board members are deemed to be disqualified from taking any part in the discussion and/or vote regarding a complaint concerning the member. Board members are expected to excuse themselves from any meeting during discussion and/or action by the Board regarding a complaint concerning the member.

The Board prohibits retaliation against complainants. The Superintendent or designee at his/her

discretion may keep a complainant's identity confidential, except to the extent necessary to investigate the complaint. The district will not investigate anonymous complaints unless it so desires.

Legal Reference:

EDUCATION CODE

35107(e) Voting restrictions

GOVERNMENT CODE

Gov. Code 1125 et seq.

Gov. Code 87100 et seq.

Gov. Code 87200 et seq.

COURT DECISIONS

Noble v. City of Palo Alto (1928) 89 Cal.App. 47

Terry v. Bender (1956) 143 Cal.App.2d 198

Clark v. City of Hermosa Beach (1996) 48 Cal.App.4th 1152

ATTORNEY GENERAL DECISIONS

26 Ops.Cal.Atty.Gen. 5 (1955)

70 Ops.Cal.Atty.Gen. 45 (1987)

88 Ops.Cal.Atty.Gen. 32 (2005)

92 Ops.Cal.Atty.Gen. 19 (2009)

Bylaw DAVIS JOINT UNIFIED SCHOOL DISTRICT

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