



Process for Complaints against a Board Member or Superintendent

To promote objectivity and mitigate concerns of bias, when a complaint is made that the Board President believes could reasonably result in disciplinary action against a Board member or the Superintendent, the Board should select legal counsel to investigate and make written findings and recommendations to the Board. Legal counsel may be selected through the Board President, who has the authority under Bylaw 0143 (Board President) “to consult with the Superintendent and/or school district legal counsel prior to presentation of an issue to the full Board.”

Once the investigation has been completed and a report has been submitted to the Board, the Board will need to decide whether the allegations were substantiated and what, if any, disciplinary action is appropriate. To comply with the Open Meetings Act, the Board would need to make that decision at an open meeting; however, at the request of the individual named in the complaint, the Board could go into closed session to hear the complaint and consider potential discipline. The Board may render its decision based on the report or may have legal counsel participate in closed session to discuss the investigation, findings, and recommendations. Alternatively, if the Board has additional questions after receiving the report or after hearing the complaint, the Board could direct the Board President to obtain a follow up opinion from counsel to supplement the initial investigation and report.

Process in Steps

1. A complaint is received.
2. If the complaint is received by anyone other than the Board President, the complaints should be directed to the Board President.
3. The President notifies the Board that a complaint has been received.
4. The President selects legal counsel to review, investigate and make written findings and recommendations to the Board.
 - a. The Board will receive the investigation report prior to the hearing.
 - b. The investigation report may include general recommendations about proactive or remedial measures that the Board could take to resolve the complaint and/or prevent future policy violations.
 - c. To the extent permitted by law, the investigation report may be shared with the Complainant and Respondent; however, this would be a separate report that may be redacted/revised for confidentiality purposes and would not contain legal advice. The report shared with the Complainant and Respondent will also be part of the public record.

5. The Board schedules a meeting to hear the complaint which may be in closed session at the request of the individual named in the complaint.
 - a. Each Complainant and Respondent will be given three minutes for each complaint. For example: if there are five complainants they will have 3 minutes to respond to each complaint, or 15 minutes total. The Complainant will speak first, and then the Respondent will have the opportunity to respond. In the event of multiple Complainants, the Respondent will have the opportunity to respond after each Complainant or reserve comment until all of the Complainants have spoken.
 - b. Any Board Member not under investigation in a complaint may ask clarifying questions of the parties, if needed, after all parties have spoken. However, the parties are not permitted to question each other.
 - c. The meeting to hear/consider the complaint is not an evidentiary hearing, as each side will have had the opportunity to participate in the investigation. A party may have a representative at the meeting (e.g., a lawyer or union representative), but having a representative at the meeting will not broaden the party's rights or change the nature of the meeting. For instance, a representative could make the 3-minute statement described in 5 a) on behalf of a party, but the representative would not have the right to call witnesses, conduct cross-examination, or otherwise turn the meeting into an evidentiary hearing.
 6. After hearing the complaint, the Board may make its decision based on the report or may have legal counsel participate in closed session to discuss the investigation, findings, and recommendations.
 7. The Board will vote to either substantiate or dismiss the claims in the complaint, or if there are additional questions, the board can direct the investigator to supplement the investigation and report. If more information is needed, the decision would be postponed until the information is available and a new meeting has been scheduled. If any claims are substantiated, the Board will determine any disciplinary actions.
- * In the event the Board President is named in the complaint, then the Board Vice President would fill the role of President in the above process.
- * In the event the person named in the complaint is a Board member, the Board expects that the Board member will recuse themselves from acting in their role as Board member related to the complaint, including but not limited to:
- reviewing legal opinions,
 - meeting with counsel in a closed session, and
 - deliberating or voting on issues related to the complaint.
- Refusal to adhere to these expectations, which the Board believes would create a conflict of interest, may result in censure or other Board action.