

LADH206COMPLAINT

LA ACADEMIA DOLORES HUERTA COMPLAINT POLICIES AND PROCEDURES

Purpose:

The Governing Council of La Academia Dolores Huerta recognizes that complaints may occasionally be filed by and against administrators, teachers, staff, parents or students; and, that effective adopted policies and procedures are essential to guide the processing of such complaints.

Further, the Council recognizes that such policies and procedures must promote and assure expeditious treatment, action and resolution while protecting the dignity, integrity, confidentiality and rights of due process for all parties concerned.

Hence, the Council hereby adopts and promulgates the following as governing procedures to be adhered to by all concerned parties; and, if violated shall be cause for the complaint to be set aside without consideration.

Prcedures:

I. Council Member vs. Council Member:

If a member of the Governing Council is compelled to file a complaint against a fellow member, the following shall prevail.

- A. Complaints may be filed by a council member against another member for malfeasance as represented by:
 1. Knowingly violating the adopted Code of Ethics;
 2. Knowingly violating the confidentiality of a Council member or Council collectively, or any other parties associated with La Academia
 3. Knowingly misrepresenting Council's deliberations, decisions, actions, or intents in and to the public.
 4. Becoming knowingly, inappropriately or without Council authorization involved in administrative matters, or otherwise interfering with the administration of the affairs of La Academia
- B. The complaining party shall submit to the Council President (or Vice-President if the President is the subject of the complaint) in a sealed envelope a signed and dated Declaration of Complaint detailing the alleged deed(s) or misdeed(s) and referencing the specific policy, statute, rule or regulation allegedly violated.
- C. The President within five (5) workdays of receipt of the Declaration shall meet with both parties to the complaint to reach a mutually acceptable resolution. If a resolution is not achieved, the President shall within five (5) workdays, call the Council into an open special session in order to resolve the subject matter.
- D. A majority vote of the Council members constituting a quorum shall determine the resolution of the complaint. The adopted resolution shall be final.

II. Staff vs Council Member:

For purposes of this document "staff" includes any paid administrative, professional, support, or contracted employee of La Academia.

In the event that a staff person be compelled to file a complaint against a Council member, the following shall prevail.

- A. The complaint shall be presented in a -written, signed and dated "Declaration of Complaint" detailing the specific deed(s) or misdeed(s) being alleged, with a reference to the specific by-laws, policies, regulations, rules and/or statutes allegedly violated in each deed or misdeed, within five (5) workdays of the alleged misdeed(s).
- B. The Declaration of Complaint shall be submitted in a sealed envelope addressed to the Governing Council President (or Vice-President if the complaint is against the President).
- C. The President or Vice-President shall within three workdays, forward a copy of the Declaration to the Council member who is the subject of the complaint
- D. The Council member who is subject of the complaint shall remit within five (5) workdays a -written, signed and dated response to the President in a sealed envelop. Failure to submit the response in the allotted time may be cause for the President (Vice-President) to declare the affidavit null and void.
- E. Upon receipt of the required response, the President shall seek any additional information deemed pertinent to the complaint, and within ten (10) workdays, shall determine whether to: 1) conduct an meeting with both parties to seek an amiable resolution, which if reached, shall be reduced into writing and be signed by all parties. Thereafter the complaint shall not be subject to further consideration; or
2) If the allegations and responses warrant the decision of the full Council, the President shall, within five (5) workdays, call a special meeting of the Council to conduct a closed-door hearing of the complaint at which both the complaining and responding parties shall be permitted to address the Council on his/her behalf but in the absence of the other.
- F. The resolution reached by the Council shall be enacted by a vote in an open meeting of 'the Council, and shall be final.

III. Parent and/or Student vs. Council Member:

If a parent on his/her own behalf or on behalf of his/her student child is compelled to file a complaint against a member of the Governing Council, the procedures and time schedules set forth in section II above shall prevail, except that the student and parents shall be allotted a maximum of thirty (30) workdays from the date of the alleged occurrence to submit the Declaration of Complaint.

Staff vs. Administrator:

For purposes of this document, an administrator is a person authorized and responsible for making administrative decisions accountable to the Governing Council, i.e. the Principal and Vice-Principal. All other paid employees or contracted service providers are considered as staff.

If a staff member is compelled to file a complaint against an administrator, the following shall prevail..

- A. The complaining party shall, within five (5) workdays of the alleged

incidents, file the complaint by means of a signed and dated Declaration of Complaint in a sealed envelope addressed to the President of the Governing Council detailing the deed(s) or misdeed(s) being alleged and referenced to specific law, policy, procedure, rule or regulation allegedly violated. Failure to comply with this requirement may be cause for declaring the complaint null and void and hence not subject to further consideration.

- B. Upon receipt of the Declaration the President shall within three (3) workdays, provide a copy to the Administrator identified in the Affidavit.
- C. The Administrator shall, within five (5) workdays provide the Council President a written, signed and dated response to the allegations.
- D. After receipt of the Administrator's response, and within three (3) workdays, the President shall call for a meeting of the two parties in an effort to reach an amiable resolution; which if reached, shall be reduced into writing and signed by both parties, and the resolution shall thereafter be "final".
- E. If an amiable resolution cannot be reached, the President shall within three (3) workdays subsequent to the meeting of the parties involved, call for a hearing of the complaint by the full Council in a special session, and at which both parties will be allowed to address the Council in his/her defense but in the absence of the other party.
- F. The resolution reached by a majority of the full Council shall be acted upon in open session, in the presence of both parties; and shall be final.

IV. Staff vs. Staff:

In the event that a staff person is compelled to file a complaint against another staff member, the following shall prevail.

- A. The complaining party shall complete, sign, date and file with the Chancellor in a sealed envelope, an Declaration of Complaint detailing the deed(s) or misdeed(s) being alleged, specifying the particular policy, procedure, rule, regulation or Jaw being violated. If the detail is insufficient and/or the information is not contained in the Declaration the complaint may be considered voided, nullified, and dismissed by the Chancellor without further consideration with a written notification of the action given to the complaining party.
- B. If the Chancellor deems that the Declaration's contents comply with the above, he/she shall forward a copy of the Declaration to the party being accused, and said party shall respond to the allegations in written to the Chancellor within five (5) workdays.
- C. The Chancellor, within three (3) workdays of receipt of the response, shall call for and hold a meeting with both parties in an attempt to reach an amiable resolution. If a resolution is agreed upon, it shall be reduced into writing and both parties thereto shall sign and date the resolution. If a mutually acceptable resolution is not achieved, the Chancellor shall render his/her determination within three (3) workdays of the conciliatory meeting, and such determination shall be considered final.
- D. If either party to the complaint is not satisfied with the Chancellor's decision, he/she may initiate a separate complaint directly to the Governing Council within three (3) workdays or after receipt of the Chancellor's determination. The signed and dated Declaration of Complaint shall be filed with the Council President in a sealed envelop. Within three (3) workdays of receipt of the Declaration, the Council President shall request from the Chancellor a transcript of the meeting seeking resolution, and any other information that the Chancellor may have accrued regarding

- the complaint.
- E. Subsequent to receiving the above information, the Council President shall within ten (10) workdays call a closed door meeting of the full Council to review the complaint and reach a decision to either:
 - F.
 - 1. Determine that the complaint either does not merit further consideration due to lack of substance, for incompleteness of documentation, or other due cause, and dismiss the complaint; or that the complaint warrants further consideration.
 - 2. If the Council deems that the complaint warrants further consideration it may move to;
 - a. Conduct a hearing with the Council sitting as a hearing board;
 - b. Initiate an "investigation" of the complaint followed with appropriate board action based on the results of said investigation.
 - G. Any action resulting from the Council's closed-door session shall be formally enacted in an open meeting with all parties to the complaint present.
 - H. The determination and action(s) of the Governing Council shall be final.

V. Student/Parent vs Staff:

A parent may file a complaint against a staff person on his/her own behalf, or on behalf of his/her child student. A student may only file a complaint against a staff member through his/her parent(s). In the event that a complaint is to be filed, the following shall prevail.

- A. The complaint must be filed in a Declaration of Complaint with the Chancellor in a sealed envelope detailing the deed(s) or misdeed(s) alleged and a reference as to the specific policy, procedure, rule, regulation or laws allegedly having been violated. If the Declaration is filed on behalf of the parents, it must be signed and dated by either one or both parents. If the Declaration is filed on behalf of a student, it must be signed and dated by the student and by either one or both parents. The Declaration must be filed within five (5) workdays subsequent to the alleged misdeed(s). If these requirements are not met, the Chancellor shall declare the Affidavit null and void.
- B. Within three (3) workdays from the receipt of the Declaration the Chancellor shall forward a copy of the Declaration to the identified staff person.
- C. The staff person shall provide to the Chancellor a written response to the allegations within five (5) workdays.
- D. After reviewing the Declaration and the response, the Chancellor shall hold a meeting with both parties (and in the case of a student being party to the complaint, the student) in an effort to reach a resolution acceptable to all parties involved. If a resolution is achieved, it shall be reduced to writing and each party to the complaint shall sign and date the document. The resolution shall be considered as final.
- E. If a resolution is not achieved, the Chancellor shall forward to the President of the Governing Council within three (3) workdays, a copy of the Declaration, the written response, and a synopsis of the meeting of reconciliation. The President shall furnish the Council members with these documents and shall call for a closed-door meeting of the Council to determine whether:
- F.

1. The allegations are insufficient, or not supported by evidence of a specific policy, procedure, rule, regulation or law having been violated; and the Council may rule to set aside the complaint without further consideration or action. The Council's decision shall be final.
2. The complaint warrants merit and a hearing of the facts with the Council sitting as a Hearing Board, and at which both parties shall be allowed to speak on his/her behalf but in the absence of the other party. The Council's decision and resulting action shall be considered final.
3. The complaint warrants an official investigation by an independent third party. Based on the results of the investigation, Council shall move in a closed-door session to either:
 - a. Drop the complaint;
 - b. Conduct a follow-up hearing; or,
 - c. Take appropriate disciplinary action either toward the staff person, the complainant or both. The action(s) of the Council shall be considered final.

VI. Student/Parent vs Administrator:

If a parent is compelled to file a complaint against an administrator on his/her own behalf or on behalf of his/her student child, the following shall prevail.

1. The complaint shall be filed with the Council President in a written, signed and dated Declaration of Complaint detailing the deed(s) or misdeed(s) alleged as the basis of the complaint, citing the specific policy, procedure, rule, regulation or statute allegedly having been violated. The Affidavit shall be submitted in a sealed envelope within five (5) workdays from the occurrence of the alleged misdeed(s). The president shall determine if the complaint meets the above stated requirements, if he/she deems that the sufficiency does not exist, the President shall declare the complaint null and void.
2. If the President deems that sufficiency exists, he/she shall within three (3) workdays forward a copy of the Declaration to the cited Administrator who shall have five (5) workdays to respond in writing to the President.
3. Upon receipt of the response, the President shall determine whether to:
 - A. To dismiss the complaint on the grounds of insufficiency or incompleteness, or
 - B. Hold a meeting with the cited Administrator and the complaining party to seek an amiable resolution, that if reached shall be reduced to writing and be signed and dated by both parties, or
 - C. Refer the matter to a hearing within five (5) workdays with the Governing Council seated in closed-door session the hearing panel. The results of the hearing shall be enacted in an open session. Both parties shall be allowed to speak on his/her behalf, but in the absence of the other party. The results and decisions reached shall be final, or
 - D. Have the matter investigated by an independent third party; and based on the written report of the investigation, the Council shall opt to:

1. Conduct a hearing as set forth in "D" above in order to obtain additional information or testimony; and/or
2. Act on the complaint in a closed-door session with the results being enacted in an open session of the Council. The enacted decisions shall be considered final.

VII. General Provisions:

The following general provisions shall prevail in the application of the above:

- A. No complaint shall be accepted nor acted on if it is not filed by use of the Declaration of Complaint.
- B. The Declaration of Complaint shall be made available in both English and Spanish, and made easily accessible to any party compelled to file a complaint.
- C. Failure of any of the parties involved with the filed complaint to comply with the requirements cited above, i.e., form, content, and/or time frames shall be cause for dismissal of the complaint.
- D. Any conciliatory meeting, hearing or other deliberations shall be conducted in a civil and controlled environment.
- E. Any appeal of a final determination must be filed within prescribed time limits and processes as specified by applicable statutes.
- F. All persons participating in meetings, hearings, investigations and/or deliberations shall protect the integrity of all others, and shall sustain the highest level of confidentiality. Evidence of non-compliance on the part of any party to a complaint shall result in the dismissal of the complaint while it is in process toward resolution.
- G. Council decisions shall be considered final, unless a party to the complaint is compelled to file for civil action in an appropriate court.
- H. Where acts that justify filing of a complaint and that are subject to state or federal laws, i.e., acts of sexual abuse, child abuse, discrimination, etc. must be reported immediately and may be made part of the contents of a Declaration of Complaint; and, upon receipt of such, the Chancellor or Council President, as may be appropriate, shall immediately report the act(s) to appropriate law enforcement, school, or other officials.
- I. The Declaration of Complaint need not be notarized.

Adopted this the _____ day of _____ 200_ by legal vote of the Governing Council of La Academia Dolores Huerta.

President

Secretary

LA ACADEMIA DOLORES HUERTA POLITICAS Y PROCEDIMIENTOS DE QUEJAS

POLITICA:

El Consejo de Gobierno de La Academia Dolores Huerta reconoce que las quejas se pueden ocurrir de vez en cuando por y contra administradores, profesores, el personal, padres o estudiantes; y, que las políticas y los procedimientos adoptados eficaces son esenciales para dirigir el proceso de tales quejas.

Además, el consejo reconoce que tales políticas y procedimientos deben promover y asegurar el tratamiento, la acción y la resolución expeditivamente mientras que protegen la dignidad, la integridad, la confidencialidad y los derechos del correspondiente proceso de la igualdad para todas las personas referidas.

Por lo tanto, el consejo adopta y promulga por este medio el siguiente como gobernando los procedimientos que se respetan por todos los partidos en cuestión; y, si esta violado será causa para que la queja sea puesta a un lado sin la consideración.

Procedimientos:

I. Miembro del Consejo contra otro miembro del Consejo

Si se obliga a un miembro del Consejo de Gobierno que presente una queja contra un miembro compañero, lo que sigue prevalecerá.

A. Las quejas se pueden presentar por un miembro del Consejo contra otro miembro para el hecho delictivo según representado como:

1. Con conocimiento violación del código de los éticos adoptado;
2. Con conocimiento violando la confidencialidad de un miembro del Consejo o consejo colectivamente, o de cualquiera otros partidos asociado con La Academia
3. Con conocimiento presentando al público en manera falsa deliberaciones, decisiones, acciones, o intentos del consejo.
4. Con conocimiento, inapropiadamente o sin la autorización del consejo involucrandose en materias administrativas, o de otra manera la interferencia con asuntos administrativos de La Academia.

B. El partido que se queja someterá al presidente de consejo (o al vice presidente si el presidente es el tema de la queja) en sellado sobre una declaración firmada y con fecha de la queja que detalla los hechos o las fechorías alegadas y que se refiere a la política, al estatuto, a la regla o a la regulación específica que alega la violación.

C. El presidente en el plazo de cinco (5) días (Jueves- viernes) del recibo de la declaración resolverá con ambas partes a la queja para alcanzar la resolución aceptable mutuamente -. Si una resolución no se alcanza, el presidente en el plazo de cinco (5) días (Jueves- viernes), llamar al consejo en una sesión especial abierta para resolver el tema.

D. Mayoría de votos de los miembros del Consejo que constituyen a un quorum determinará la resolución de la queja. La resolución adoptada será final.

II. Personal contra un miembro del Consejo

Con objeto de este documento; "personal" incluye empleados pagados sean administradores, profesionales, no certificados o a empleados contratantes de La Academia.

En caso que se obligue a una persona del personal que presente una queja contra un miembro del Consejo, lo que sigue prevalecera.

- A. La queja sera presentada en forma escrita, firmada y con fecha "Declaracion de Queja" detallando los hechos o malhechos especificos que son alegados, con una referenda a los reglamientos, a las politicas, a las regulaciones, a las reglas y/o a los estatutos especificos con los alegadas violaciones en cada hecho o fechoria, en el plazo de cinco (5) dias (lunes – viernes) de las alegaciones.
- B. La declaracion de la queja sera sometida en sellado sobre tratado al presidente del Consejo de Gobierno (o al vice presidente si la queja esta contra el presidente).
- C. El presidente o el vice presidente en el plazo de tres dias laborables, remitira una copia de la declaracion al miembro del Consejo que es el tema de la queja.
- D. El miembro del Consejo que es tema de la queja remitira dentro de cinco (5) dias laborables una respuesta en escrito, firmada y con fecha al presidente en sobre sellado. La falta de presentar la respuesta en el tiempo mencionado puede ser causa para que el presidente (vice presidente) declare la declaracion jurada nula y sin efecto.
- E. Sobre el recibo de la respuesta requerida, el presidente buscara cualquiera informacion adicional juzgada en relacion con la queja, y dentro de diez (10) dias laborables, determinara a si: 1) conduce una reunion con ambas personas para buscar una resolucion amable, que siesta alcanzada, sera en escrito y firmado por todos los partidos. La queja no estara dispuesta a consideracion.
2) Silas alegaciones y las respuestas autorizan la decision del consejo lleno, el presidente, en el plazo de cinco (5) dias laborables, convocari una reunion especial del consejo para conducir en una sesion de puerta cerrada para la cuestion, dandole tiempo a cada partido en presentar sus puntos en la ausencia del otro partido.
- F. La resolucion alcanzada por el consejo sera decretada por un voto en una reunion abierta del consejo, y sera final.

III. Padre y/o estudiante contra el miembro del Consejo

Si se obliga a un padre en su nombre propio o en nombre de su nino estudiante que presente una queja contra un miembro del Consejo de Gobierno, de los procedimientos en la seccion II se respeteriin, salvo que asignariin el estudiante y los padres un maximo de treinta (30) dias laborables a partir de la fecha de la ocurrencia alegada para someter la declaracion de la queja.

Personal contra administrador

Con objeto de este documento, un administrador es una persona autorizada y

responsable de tomar decisiones administrativas ante el Consejo de Gobierno, es decir el principal, vice-principal, etc. Se considera que el resto de empleados pagados o de los proveedores de servicios contratantes se tratan como personal. Si se obliga a un miembro del personal que presente una queja contra un administrador, lo que sigue prevalece.

A. El partido que se queja, en el plazo de cinco (5) días laborables de los incidentes alegados, presentará la queja por medio de una declaración firmada y con fecha de la queja en un sobre sellado tratado al presidente del Consejo de Gobierno que detalla los hechos que son alegados y referido a la ley, a la política, al procedimiento, a la regía o a la regulación específica de alegado violaciones. La falta de conformarse con este requisito puede causar para declarar la queja nula y sin efecto y por lo tanto no conforme a la consideración adicional.

B. Sobre el recibo de la declaración el presidente en el plazo de tres (3) días laborables, proporcionará una copia al administrador identificado en la declaración jurada.

C. El administrador, en el plazo de cinco (5) días laborables proporcionará al presidente de consejo una respuesta escrita, firmada y anticuada a las alegaciones.

D. Después del recibo de la respuesta del administrador, en el plazo de tres (3) días laborables, el presidente pedirá una reunión de los dos partidos en un esfuerzo para alcanzar una resolución amable; cuando se alcanza, será en escrito y firmado por ambas partes, y la resolución será después de eso "final".

E. Si una resolución amable no puede ser alcanzada, el presidente en el plazo de tres (3) días laborables subsiguientes a la reunión de los partidos implicados, llamará para que se presente la queja al consejo completo en una sesión especial, y en cuando ambas partes serán permitidas que se dirijan al consejo en su defensa pero en la ausencia del otro partido.

F. La resolución alcanzada por una mayoría del consejo completo será actuada sobre en sesión pública, en presencia de los partidos afectados y será final.

IV. Personal contra personal

En caso que se obligue a un personal que presente una queja contra otro miembro del personal, lo que sigue prevalecerá.

A. El partido que se queja completará, firmará (con fecha) y presentará con el canciller en sobre sellado, una declaración de la queja que detalla los hechos que son alegados, especificando la política, el procedimiento, la regía, la regulación o la ley particular siendo violada. Si el detalle es escaso y/o la información no se contiene en la declaración la queja se puede considerar anulada, y despedida por el canciller sin la consideración adicional con una notificación escrita de la acción dada al partido que se queja.

B. Si el canciller juzga que el contenido de la declaración se conforma con el antedicho, el remitirá una copia de la declaración al partido que es acusado, y el partido dicho responderá a las alegaciones en escrito al canciller en el plazo de cinco (5) días laborables.

C. El canciller, en el plazo de tres (3) días laborables del recibo de la respuesta, pedirá y tendrá una reunión con ambas partes en un intento por alcanzar

una resolución de acuerdo. Si se conviene en una resolución, será reducida en escrito y ambas partes además firmarán y fecharán la resolución. Si una resolución aceptable no se alcanza, el canciller rendirá su determinación en el plazo de tres (3) días laborables de la reunión y tal determinación será considerada final.

D. Si cualquier partido a la queja no se satisface con la decisión del canciller, él puede iniciar una queja separada dirigida al Consejo de Gobierno en el plazo de tres (3) días laborables o después del recibo de la determinación del canciller. La declaración firmada y anticuada de la queja será presentada al presidente de consejo en sobre sellado. En el plazo de tres (3) días laborables del recibo de la declaración, el presidente de consejo preguntará al canciller una transcripción de la resolución que se busca y cualquier otra información que el canciller pudo haber conseguido con respecto a la queja.

E. Subsecuente a recibir la información antedicha, el presidente de consejo dentro de diez (10) días laborables convocará una reunión a puerta cerrada del consejo lleno para repasar la queja y para alcanzar una decisión para:

F.

1. Determinar que la queja cualquiera no merece más consideración debido a la falta de la sustancia, información incompleta de la documentación, o la otra causa debida, y despidió la queja; o que la queja autoriza la consideración adicional.

2. Si el consejo juzga que la queja autoriza la consideración adicional puede moverse a;

- a. Conducir una audiencia con el consejo como audiencia;

- b. Iniciar una investigación de la queja después una acción apropiada del consejo basada en los resultados de la investigación dicha.

G. Cualquier acción que resulte de la sesión a puerta cerrada del consejo estará formalmente decretado en una reunión abierta con todos los partidos al presente.

H. La determinación y las acciones del Consejo de Gobierno serán finales.

V. Estudiante/padre contra el personal:

Un padre puede presentar una queja contra una persona del personal en su propio nombre o a nombre de su niño estudiante. Un estudiante puede presentar solamente una queja contra un miembro de personal a través de su padre. En caso que se vaya una queja a ser presentada, lo que sigue prevalecerá.

A. La queja se debe archivar en una declaración de la queja con el canciller en un sobre sellado que detalla los hechos alegados y una referencia en cuanto a la política, el procedimiento, la regla, la regulación o las leyes específicas alegadas siendo violadas. Si la declaración se presenta a nombre de los padres, debe ser firmada y con fecha por uno o los dos padres. Si la declaración se presenta en nombre de un estudiante, debe ser firmada y con fecha por el estudiante y por uno o los dos padres. La declaración se debe presentar en el plazo de cinco (5) días laborables subsecuentes a los hechos alegados. Si estos requisitos no se cumplen, el canciller declarará la queja nula y sin efecto.

B. En el plazo de tres (3) días laborables del recibo de la declaración el canciller remitirá una copia de la declaración a la persona identificada del personal.

C. La persona del personal proporcionará al canciller una respuesta escrita a las alegaciones en el plazo de cinco (5) días laborables.

D. Después de repasar la declaración y la respuesta, el canciller citará una reunión con los partidos afectados (y en el caso de un estudiante que es partido a la queja, el estudiante) en un esfuerzo para alcanzar una resolución aceptable por todos los partidos implicados. Si se alcanza una resolución, será reducida en escrito y cada partido a la queja firmará y fechará el documento. La resolución será considerada como final.

E. Si una resolución no se alcanza, el canciller remitirá al presidente del Consejo de Gobierno dentro de tres (3) días hábiles, una copia de la declaración, de la respuesta escrita, y una sinopsis de la reunión. El presidente presentará a los miembros del Consejo con estos documentos y citará una reunión a puerta cerrada del consejo para determinar si:

F.

1. Las alegaciones no tienen sustancia, o no apoyado por la evidencia de una política, de un procedimiento, de una regla, de una regulación o de una ley específica siendo violada; y el consejo puede disponer de la queja sin ninguna consideración o acción adicional. La decisión del consejo será final.
2. La queja se determina con mérito y se presentarán los hechos con el consejo como audiencia, y en cual ambos partidos serán permitidos a presentar su caso pero en la ausencia del otro partido. La acción de la decisión del consejo será considerada final.
3. Las autorizaciones merecen una investigación oficial de una independiente tercera persona. De acuerdo con los resultados de la investigación, el consejo se trasladará en una sesión a puerta cerrada a cualquiera:
 - a. Disponer de la queja;
 - b. Conducir una audiencia del consejo para considerar el caso en más detalle; o,
 - c. Tomar a acción disciplinaria apropiada hacia el personal, el denunciante o ambos. Las acciones del consejo serán consideradas finales.

VI. Estudiante/padre contra administrador:

Si se obliga a un padre que presente una queja contra el administrador en propio nombre o a nombre de su niño estudiante, lo que sigue prevalecerá.

1. La queja será presentada con el presidente del consejo en una declaración escrita, firmada y con fecha de la queja que detalla los hechos alegados como la base de la queja, citando la política, el procedimiento, la regla, la regulación o el estatuto específico alegado siendo violado. La queja será presentada en sobre sellado en el plazo de cinco (5) días hábiles de la ocurrencia de los hechos alegados. El presidente determinará si la queja cumple con los requisitos arriba indicados y si el juzga que no existe bastante sustancia, el presidente declarará la queja nula y sin efecto.
2. Si el presidente juzga que existe bastante sustancia, él en el plazo de tres (3) días hábiles presentará una copia de la declaración al administrador citado, quien tendrá cinco (5) días hábiles a responder en la escritura al presidente.
3. Sobre el recibo de la respuesta, el presidente determinará a si:
 - A. despedir la queja sobre por falta de mérito o estado incompleto, o
 - B. Citará una reunión con el administrador citado y el partido que se queja para buscar una resolución amable. Si esta alcanzada una resolución será en escrito, firmado y fechado por los ambos partidos, o
 - C. Presentará a la materia a una audiencia en el plazo de cinco (5) días hábiles

con el Consejo de Gobierno asentado en la sesión a puerta cerrada como el cuerpo de audiencia. Los resultados de la audiencia serán presentados en una sesión abierta. Ambos partidos serán permitidos a presentar su caso, pero en la ausencia del otro partido. Los resultados y las decisiones serán finales, o

D. Hacer que la materia sea investigada por una independiente tercera persona; y basado en el informe escrito de la investigación, el consejo optará a:

1. Conducir una audiencia según lo dispuesto en " D" para obtener la información adicional o el testimonio; y/o
2. Actuar en la queja en una sesión a puerta cerrada con los resultados que son decretados en una sesión abierta del consejo. Las decisiones decretadas serán consideradas finales.

VII. Disposiciones generales:

Las disposiciones generales siguientes prevalecerán en la aplicación del antedicho:

A. No se aceptará ni será actuado si ninguna queja no se presenta por medio de la Declaración de Queja.

B. Se obliga que la Declaración de Queja será hecha disponible en inglés y español, y hecha fácilmente accesible a cualquier partido para presentar una queja.

C. La falta de los partidos de la queja presentada para conformarse con los requisitos citados arriba, es decir, forma, contenta, y/o los marcos de tiempo seriin causa para el despido de la queja.

D. Cualquier reunión conciliatoria, la audiencia u otras deliberaciones serán conducidas en un ambiente civil y controlado.

E. Cualquier suplica de una determinación final se debe presentar dentro de plazos y de procesos prescritos según lo especificado por los estatutos aplicables.

F. Todas las personas que participan en reuniones, audiencias, investigaciones y/o deliberaciones protegerán la integridad de todos, y sostendrán el nivel más alto de confidencialidad. Evidencia de no cumplir de parte de cualquier partido dará lugar a! despido de la queja mientras que esta en proceso hacia !a resolución.

G. Las decisiones del consejo serán considerados finales, a menos que se obligue a un partido a !a queja que presente una acción civil en una corte apropiada.

H. Donde actos que justifican la presentación de una queja y que están conforme a leyes estatales o federales, es decir, actos como los abusos sexuales, del abuso contra niños, de la discriminación, etc. deben ser divulgados inmediatamente y, sobre el recibo de tales, el canciller o el presidente del consejo, como puede ser apropiado, divulgará inmediatamente los actos a la aplicación de ley apropiada, escuela, u otros funcionarios. ,

I. La declaración de !a queja no necesita ser certificada ante notario.

Adoptado este día, -:-:_____de 2007 por un voto de la Mesa Directiva de La Academia Dolores Huerta.

Presidente

Secretaria/o

LA ACADEMIA DOLORES HUERTA
COMPLAINT POLICIES AND PROCEDURES

POLICY:

The Governing Council of La Academia Dolores Huerta recognizes that complaints may occasionally be filed by and against administrators, teachers, staff, parents or students; and, that effective adopted policies and procedures are essential to guide the processing of such complaints.

Further, the Council recognizes that such policies and procedures must promote and assure expeditious treatment, action and resolution while protecting the dignity, integrity, confidentiality and rights of due process for all parties concerned.

Hence, the Council hereby adopts and promulgates the following as governing procedures to be adhered to by all concerned parties; and, if violated shall be cause for the complaint to be set aside without consideration.

Procedures:

I. Council Member vs. Council Member:

If a member of the Governing Council is compelled to file a complaint against a fellow member, the following shall prevail.

- A. *Complaints may be filed by a council member against another member for malfeasance as represented by:
 1. *Knowingly violating the adopted Code of Ethics;*
 2. *Knowingly violating the confidentiality of a Council member or Council collectively, or any other parties associated with La Academia.*
 3. *Knowingly misrepresenting Council's deliberations, decisions, actions, or intents in and to the public.*
 4. *Becoming knowingly, inappropriately or without Council authorization involved in administrative matters, or otherwise interfering with the administration of the affairs of La Academia.**
- B. *The complaining party shall submit to the Council President (or Vice-President if the President is the subject of the complaint) in a sealed envelope a signed and dated Declaration of Complaint detailing the alleged deed(s) or misdeed(s) and referencing the specific policy, statute, rule or regulation allegedly violated.*
- C. *The President within five (5) workdays of receipt of the Declaration shall meet with both parties to the complaint to reach a mutually acceptable resolution. If a resolution is not achieved, the President shall within five (5) workdays, call the Council into a closed special session in order to resolve the subject matter.*

- D. A majority vote of the Council members constituting a quorum shall determine the resolution of the complaint. The adopted resolution shall be final.

II Staff vs Council Member:

For purposes of this document "staff" includes any paid administrative, professional, support, or contracted employee of La Academia.

In the event that a staff person be compelled to file a complaint against a Council member, the following shall prevail.

- A. The complaint shall be presented in a written, signed and dated "Declaration of Complaint" detailing the specific deed(s) or misdeed(s) being alleged, with a reference to the specific by-laws, policies, regulations, rules and/or statutes allegedly violated in each deed or misdeed, within five (5) workdays of the alleged misdeed(s).
- B. The Declaration of Complaint shall be submitted in a sealed envelop addressed to the Governing Council President (or Vice-President **if** the complaint is against the President).
- C. The President or Vice-President shall within three workdays, forward a copy of the Declaration to the Council member who is the subject of the complaint.
- D. The Council member who is subject of the complaint shall remit within five (5) workdays a written, signed and dated response to the President in a sealed envelop. Failure to submit the response in the allotted time may be cause for the President (Vice-President) to declare the affidavit null and void.
- E. Upon receipt of the required response, the President shall seek any additional information deemed pertinent to the complaint, and within ten (10) workdays, shall determine whether to: 1) conduct an meeting with both parties to seek an amiable resoltuion, which **if** reached, shall be reduced into writing and be signed by all parties. Thereafter the complaint shall not be subject to further consideration; or 2) **If** the allegations and responses warrant the decision of the full Council, the President shall, within five (5) workdays, call a special meeting of the Council to conduct a closed-door hearing of the complaint at which both the cmlplaining and responding parties shall be permitted to address the Council on his/her behalf but in the absence of the other.
- F. The resolution reached by the Council shall be enacted by a vote in an open meeting of the Council, and shall be final.

III Parent and/or Student vs. Council Member:

If a parent on his/her own behalf or on behalf of his/her student child is compelled to file a complaint against a member of the Governing Council, the procedures and time

schedules set forth in section II above shall prevail, except that the student and parents shall be allotted a maximum of thirty (30) workdays from the date of the alleged occurrence to submit the Declaration of Complaint.

Staff vs. Administrator:

For purposes of this document, an administrator is a person authorized and responsible for making administrative decisions accountable to the Governing Council, i.e. the Principal and Vice-Principal. All other paid employees or contracted service providers are considered as staff.

If a staff member is compelled to file a complaint against an administrator, the following shall prevail.

- A. The complaining party shall, within five (5) workdays of the alleged incident, file the complaint by means of a signed and dated Declaration of Complaint in a sealed envelope addressed to the President of the Governing Council detailing the deed(s) or misdeed(s) being alleged and referenced to specific law, policy, procedure, rule or regulation allegedly violated. Failure to comply with this requirement may be cause for declaring the complaint null and void and hence not subject to further consideration.*
- B. Upon receipt of the Declaration the President shall within three (3) workdays, provide a copy to the Administrator identified in the Affidavit.*
- C. The Administrator shall, within five (5) workdays provide the Council President a written, signed and dated response to the allegations.*
- D. After receipt of the Administrator's response, and within three (3) workdays, the President shall call for a meeting of the two parties in an effort to reach an amiable resolution; which if reached, shall be reduced into writing and signed by both parties, and the resolution shall thereafter be "final".*
- E. If an amiable resolution cannot be reached, the President shall within three (3) workdays subsequent to the meeting of the parties involved, call for a hearing of the complaint by the full Council in a special session, and at which both parties will be allowed to address the Council in his/her defense but in the absence of the other party.*
- F. The resolution reached by a majority of the full Council shall be acted upon in open session, in the presence of both parties; and shall be final.*

IV. Staff vs. Staff

In the event that a staff person is compelled to file a complaint against another staff member, the following shall prevail.

- A. The complaining party shall complete, sign, date and file with the Chancellor in a sealed envelope, an Declaration of Complaint detailing the deed(s) or misdeed(s) being alleged, specifying the particular policy, procedure, rule, regulation or law being violated. If the detail is insufficient and/or the information is not contained in the Declaration the complaint may be*

considered voided, nullified, and dismissed by the Chancellor without further consideration with a written notification of the action given to the complaining party.

- B. *If the Chancellor deems that the Declaration's contents comply with the above, he/she shall forward a copy of the Declaration to the party being accused, and said party shall respond to the allegations in writing to the Chancellor within five (5) workdays.*
- C. *The Chancellor, within three (3) workdays of receipt of the response, shall call for and hold a meeting with both parties in an attempt to reach an amiable resolution. If a resolution is agreed upon, it shall be reduced into writing and both parties thereto shall sign and date the resolution. If a mutually acceptable resolution is not achieved, the Chancellor shall render his/her determination within five (5) workdays of the conciliatory meeting, and such determination shall be considered final.*
- D. *If either party to the complaint is not satisfied with the Chancellor's decision, he/she may initiate a separate complaint directly to the Governing Council within three (3) workdays after receipt of the Chancellor's determination. The signed and dated Declaration of Complaint shall be filed with the Council President in a sealed envelope. Within three (3) workdays of receipt of the Declaration, the Council President shall request from the Chancellor a transcript of the meeting seeking resolution, and any other information that the Chancellor may have accrued regarding the complaint.*
- E. *Subsequent to receiving the above information, the Council President shall within ten (10) workdays call a closed door meeting of the full Council to review the complaint and reach a decision reached to either:*
 - 1. *Determine that the complaint either does not merit further consideration due to lack of substance, for incompleteness of documentation, or other due cause, and dismiss the complaint; or that the complaint warrants further consideration.*
 - 2. *If the Council deems that the complaint warrants further consideration it may move to:*
 - a. *Conduct a hearing with the Council sitting as a hearing board:*
 - b. *Initiate an "investigation" of the complaint followed with appropriate board action based on the results of said investigation.*
- F. *Any action resulting from the Council's closed-door session shall be formally enacted in an open meeting with all parties to the complaint present.*
- G. *The determination(s) and action(s) of the Governing Council shall be final.*

V *Student/Parent vs Staff:*

A parent may file a complaint against a staff person on his/her own behalf, or on behalf of his/her child student. A student may only file a complaint against a staff member

through his/her parent(s). In the event that a complaint is to be filed, the following shall prevail.

- A. *The complaint must be filed in a Declaration of Complaint with the Chancellor in a sealed envelope detailing the deed(s) or misdeed(s) alleged and a reference as to the specific policy, procedure, rule, regulation or laws allegedly having been violated. If the Declaration is filed on behalf of the parents, it must be signed and dated by either one or both parents. If the Declaration is filed on behalf of a student, it must be signed and dated by the student and by either one or both parents. The Declaration must be filed within five (5) workdays subsequent to the alleged misdeed(s). If these requirements are not met, the Chancellor shall declare the Affidavit null and void.*
- B. *Within three (3) workdays from the receipt of the Declaration the Chancellor shall forward a copy of the Declaration to the identified staff person.*
- C. *The staff person shall provide to the Chancellor a written response to the allegations within five (5) workdays.*
- D. *After reviewing the Declaration and the response, the Chancellor shall hold a meeting with both parties (and in the case of a student being party to the complaint, the student) in an effort to reach a resolution acceptable to all parties involved. If a resolution is achieved, it shall be reduced to writing and each party to the complaint shall sign and date the document. The resolution shall be considered as final.*
- E. *If a resolution is not achieved, the Chancellor shall forward to the President of the Governing Council within three (3) workdays, a copy of the Declaration, the written response, and a synopsis of the meeting of reconciliation. The President shall furnish the Council members with these documents and shall call for a closed door meeting of the Council to determine whether:*
- F.
 1. *The allegations are insufficient, or not supported by evidence of a specific policy, procedure, rule, regulation or law having been violated; and the Council may rule to set aside the complaint without further consideration or action. The Council's decision shall be final.*
 2. *The complaint warrants merit and a hearing of the facts with the Council sitting as a hearing board, and at which both parties shall be allowed to speak on his/her behalf but in the absence of the other party. The Council's decision and resulting action shall be considered final.*
 3. *The complaint warrants an official investigation by an independent third party. Based on the results of the investigation, Council shall move in a closed door session to either:
 - a. *Drop the complaint;*
 - b. *Conduct a follow up hearing; or,*
 - c. *Take appropriate disciplinary action either toward the staff person, the complainant or both.**

The action(s) of the Council shall be considered final.

through his/her parent(s). In the event that a complaint is to be filed, the following shall prevail.

- A. The complaint must be filed in a Declaration of Complaint with the Chance/or in a sealed envelop detailing the deed(s) or misdeed(s) alleged and a reference as to the specific policy, procedure, rule, regulation or laws allegedly having been violated. **If** the Declaration is filed on behalf of the parents, it must be signed and dated by either one or both parents. **If** the Declaration is filed on behalf of a student, it must be signed and dated by the student and by either one or both parents. The Declaration must be filed within five (5) workdays subsequent to the alleged misdeed(s). **If** these requirements are not met, the Chancellor shall declare the Affidavit null and void.
- B. Within three (3) workdays from the receipt of the Declaration the Chance/or shall forward a copy of the Declaration to the identified staff person.
- C. The staff person shall provide to the Chance/or a written response to the allegations within five (5) workdays.
- D. After reviewing the Declaration and the response, the Chance/or shall hold a meeting with both parties (and in the case of a student being party to the complaint, the student) in an effort to reach a resolution acceptable to all parties involved. **If** a resolution is achieved, it shall be reduced to writing and each party to the complaint shall sign and date the document. The resolution shall be considered as final.
- E. **If** a resolution is not achieved, the Chance/or shall forward to the President of the Governing Council within three (3) workdays, a copy of the Declaration, the written response, and a synopsis of the meeting of reconciliation. The President shall furnish the Council members with these documents and shall call for a closed-door meeting of the Council to determine whether:
 1. The allegations are insufficient, or not supported by evidence of a specific policy, procedure, rule, regulation or law having been violated; and the Council may rule to set aside the complaint without further consideration or action. The Council's decision shall be final.
 2. The complaint warrants merit and a hearing of the facts with the Council sitting as a hearing board, and at which both parties shall be allowed to speak on his/her behalf but in the absence of the other party. The Council's decision and resulting action shall be considered final.
 3. The complaint warrants an official investigation by an independent third party. Based on the results of the investigation, Council shall move in a closed-door session to either:
 - a. Drop the complaint;
 - b. Conduct a follow-up hearing; or,
 - c. Take appropriate disciplinary action either toward the staff person, the complainant or both.
- F.

The action(s) of the Council shall be considered final.

VI. Student/Parent vs Administrator:

If a parent is compelled to file a complaint against an administrator on his/her own behalf or on behalf of his/her student child, the following shall prevail.

1. *The complaint shall be filed with the Council President in a written, signed and dated Declaration of Complaint detailing the deed(s) or misdeed(s) alleged as the basis of the complaint, citing the specific policy, procedure, rule, regulation or statute allegedly having been violated. The Declaration shall be submitted in a sealed envelope within five (5) workdays from the occurrence of the alleged deed(s) or misdeed(s). The President shall determine if the complaint meets the stipulated requirement. If he/she deems that sufficiency does not exist; the President shall declare the complaint null and void.*
2. *If the President deems that sufficiency exists, he/she shall within three (3) workdays forward a copy of the Declaration to the cited administrator who shall have five (5) workdays to respond in writing to the President.*
3. *Upon receipt of the response, the President shall determine whether to:*
 - A. *Dismiss the complaint on the grounds of insufficiency, or incompleteness; or*
 - B. *Hold a meeting with the cited administrator and the complaining party to seek an amicable resolution, that if reached shall be reduced to writing and be signed and dated by both parties; or*
 - C. *Refer the matter to a hearing within five (5) workdays with the Governing Council seated in closed-door session as the hearing panel. The results of the hearing shall be enacted in an open session. Both parties shall be allowed to speak on his/her behalf, but in the absence of the other party. The results and decisions reached shall be final; or,*
 - D. *Have the matter investigated by an independent third party, and based on the written report of the investigation, the Council shall opt to:*
 1. *Conduct a hearing as set forth in "D" above in order to obtain additional information or testimony; and/or*
 2. *Act on the complaint in a closed-door session with the results being enacted in an open session of the Council. The enacted decision(s) shall be considered final.*

VII. General Provisions:

The following general provisions shall prevail in the application of the above.

- A. *No complaint shall be accepted or acted on if it is not filed by use of the Declaration of Complaint.*

- B. *The Declaration of Complaint form shall be made available in both English and Spanish, and made easily accessible to any party compelled to file a complaint.*
- C. *Failure of any of the involved parties in a filed complaint to comply with the requisites cited above, i.e., form, content, and/or timeframes, shall be cause for dismissal of the complaint.*
- D. *Any conciliarory meeting, hearing or other deliberations shall be conducted in a civil and controlled environment.*
- E. *Any appeal of a final determination must be filed within prescribed time limits and processes as specified by applicable statutes.*
- F. *All persons participating in meetings, hearings, investigations and/or deliberations shall protect the integrity of all others, and shall sustain the highest level of confidentiality. Evidence of non-compliance on the part of any party to the complaint shall result in the dismissal of the complaint while it is in process toward resolution.*
- G. *Council decisions shall be considered final, unless a part to the complaint is compelled to file for civil action in an appropriate court.*
- H. *Where acts that justify filing a complaint and that are subject to state or federal laws, i.e., acts of sexual abuse, child abuse, discrimination, etc., must be reported immediately, and may be made part of the contents of a Declaration of Complaint; and, upon receipt by the Chancellor or Council President, as may be appropriate, shall immediately report the act(s) to appropriate law enforcement, school officials, or other officials.*
- I. *The Declaration of Complaint need not be notarized as a condition of filing.*
-

Adopted, this the _____ day _____ by legal vote of the
Governing Council of La Academia Dolores Huerta, and ascribed to by the signatures
hereto affixed below.

President

Secretary

LA ACADEMIA DOLORES HUERTA

DECLARATION OF COMPLAINT FORM

Person Filing the Complaint: _____
Printed Name

Student as Complainant: (Please provide the name of your child if you are filing his/her behalf) _____
Printed Name

Person Subject of **Complaint**: -----
Printed Name:

Date of **Filing**: -----

Basis of Complaint: (Please list each deed or misdeed being alleged, and provide sufficient details, dates, descriptions and names to support the allegations, Also identify the specific policy, regulation, rule or statute allegedly violated for each incident listed Use additional pages if necessary)

Attachments: (If reports, third-party statements, or other documents are identified above and you wish to make them part of the complaint, please attach them to this Declaration)

Complainant Signature: ----- **DATE:** _____

LA ACADEMIA DOLORES HUERTA

COMPLAINT POLICIES AND PROCEDURES

POLICY:

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Further, the Council recognizes that such policies and procedures must promote and assure expeditious treatment, action and resolution while protecting the dignity, integrity, confidentiality and rights of due process for all parties concerned.

Hence, the Council hereby adopts and promulgates the following as governing procedures to be adhered to by all concerned parties; and, if violated shall be cause for the complaint to be set aside without consideration.

Procedures:

I. Council Member vs. Council Member:

If a member of the Governing Council is compelled to file a complaint against a fellow member, the following shall prevail.

- A. Complaints may be filed by a council member against another member for malfeasance as represented by:
 - 1. Knowingly violating the adopted Code of Ethics;*
 - 2. Knowingly violating the confidentiality of a Council member or Council collectively, or any other parties associated with La Academia.*
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- B. The complaining party shall submit to the Council President (or Vice-President if the President is the subject of the complaint) in a sealed envelop a signed and dated Declaration of Complaint detailing the alleged deed(s) or misdeed(s) and referencing the specific policy, statute, rule or regulation allegedly violated.*
- C. The President within five (5) workdays of receipt of the Declaration shall meet with both parties to the complaint to reach a mutually acceptable resolution. If a resolution is not achieved, the President shall within five (5) workdays, call the Council into a closed special session in order to resolve the subject matter.*

- D. A majority vote of the Council members constituting a quorum shall determine the resolution of the complaint. The adopted resolution shall be final.

II, Staff vs Council Member:

For purposes of this document "staff" includes any paid administrative, professional, support, or contracted employee of La Academia.

In the event that a staff person be compelled to file a complaint against a Council member, the following shall prevail.

- A. The complaint shall be presented in a written, signed and dated "Declaration of Complaint" detailing the specific deed(s) or misdeed(s) being alleged, with a reference to the specific by-laws, policies, regulations, rules and/or statutes allegedly violated in each deed or misdeed, within five (5) workdays of the alleged misdeed(s).
- B. The Declaration of Complaint shall be submitted in a sealed envelop addressed to the Governing Council President (or Vice-President **if** the complaint is against the President).
- C. The President or Vice-President shall within three workdays, forward a copy of the Declaration to the Council member who is the subject of the complaint.
- D. The Council member who is subject of the complaint shall remit within five (5) workdays a written, signed and dated response to the President in a sealed envelop. Failure to submit the response in the allotted time may be cause for the President (Vice-President) to declare the affidavit null and void.
- E. Upon receipt of the required response, the President shall seek any additional information deemed pertinent to the complaint, and within ten (10) workdays, shall determine whether to: 1) conduct an meeting with both parties to seek an amiable resolution, which **if** reached, shall be reduced into writing and be signed by all parties. Thereafter the complaint shall not be subject to further consideration; or 2) **If** the allegations and responses warrant the decision of the full Council, the President shall, within five (5) workdays, call a special meeting of the Council to conduct a closed-door hearing of the complaint at which both the complaining and responding parties shall be permitted to address the Council on his/her behalf but in the absence of the other.
- F. The resolution reached by the Council shall be enacted by a vote in an open meeting of the Council, and shall be final.

III Parent and/or Student vs. Council Member:

If a parent on his/her own behalf or on behalf of his/her student child is compelled to file a complaint against a member of the Governing Council, the procedures and time

schedules set forth in section II above shall prevail, except that the student and parents shall be allotted a maximum of thirty (30) workdays from the date of the alleged occurrence to submit the Declaration of Complaint.

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If a staff member is compelled to file a complaint against an administrator, the following shall prevail.

- A. The complaining party shall, within five (5) workdays of the alleged incident(s), file the complaint by means of a signed and dated Declaration of Complaint in a sealed envelope addressed to the President of the Governing Council detailing the deed(s) or misdeed(s) being alleged and referenced to specific law, policy, procedure, rule or regulation allegedly violated. Failure to comply with this requirement may be cause for declaring the complaint null and void and hence not subject to further consideration.
- B. Upon receipt of the Declaration the President shall within three (3) workdays, provide a copy to the Administrator identified in the Affidavit.
- C. The Administrator shall, within five (5) workdays provide the Council President a written, signed and dated response to the allegations.
- D. After receipt of the Administrator's response, and within three (3) workdays, the President shall call for a meeting of the two parties in an effort to reach an amiable resolution; which if reached, shall be reduced into writing and signed by both parties, and the resolution shall thereafter be "final".
- E. If an amiable resolution cannot be reached, the President shall within three (3) workdays subsequent to the meeting of the parties involved, call for a hearing of the complaint by the full Council in a special session, and at which both parties will be allowed to address the Council in his/her defense but in the absence of the other party.
- F. The resolution reached by a majority of the full Council shall be acted upon in open session, in the presence of both parties; and shall be final.

IV. *Staff vs. Staff*

In the event that a staff person is compelled to file a complaint against another staff member, the following shall prevail.

- A. The complaining party shall complete, sign, date and file with the Chancellor in a sealed envelope, a Declaration of Complaint detailing the deed(s) or misdeed(s) being alleged, specifying the particular policy, procedure, rule, regulation or law being violated. If the detail is insufficient and/or the information is not contained in the Declaration the complaint may be

considered voided, nullified, and dismissed by the Chancellor without her consideration with a written notification of the action given to the complaining party.

- B. *If the Chancellor deems that the Declaration's contents comply with the above, he/she shall forward a copy of the Declaration to the party being accused, and said party shall respond to the allegations in writing to the Chancellor within five (5) workdays.*
- C. *The Chancellor, within three (3) workdays of receipt of the response, shall call for and hold a meeting with both parties in an attempt to reach an amiable resolution. If a resolution is agreed upon, it shall be reduced into writing and both parties thereto shall sign and date the resolution. If a mutually acceptable resolution is not achieved, the Chancellor shall render his/her determination within five (5) workdays of the conciliatory meeting, and such determination shall be considered final.*
- D. *If either party to the complaint is not satisfied with the Chancellor's decision, he/she may initiate a separate complaint directly to the Governing Council within three (3) workdays after receipt of the Chancellor's determination. The signed and dated Declaration of Complaint shall be filed with the Council President in a sealed envelope. Within three (3) workdays of receipt of the Declaration, the Council President shall request from the Chancellor a transcript of the meeting seeking resolution, and any other information that the Chancellor may have accrued regarding the complaint.*
- E. *Subsequent to receiving the above information, the Council President shall within ten (10) workdays call a closed door meeting of the full Council to review the complaint and reach a decision reached to either:
 - 1. *Determine that the complaint either does not merit her consideration due to lack of substance, for incompleteness of documentation, or other due cause, and dismiss the complaint; or that the complaint warrants further consideration.*
 - 2. *If the Council deems that the complaint warrants her consideration it may move to:
 - a. *Conduct a hearing with the Council sitting as a hearing board:*
 - b. *Initiate an "investigation" of the complaint followed with appropriate board action based on the results of said investigation.***
- F: *Any action resulting from the Council's closed-door session shall be formally enacted in an open meeting with all parties to the complaint present.*
- G. *The determination(s) and action(s) of the Governing Council shall be final.*

V: Student/Parent vs Staff:

A parent may file a complaint against a staff person on his/her own behalf, or on behalf of his/her child student. A student may only file a complaint against a staff member

through his/her parent(s). In the event that a complaint is to be filed, the following shall prevail.

- A. The complaint must be filed in a Declaration of Complaint with the Chancellor in a sealed envelop detailing the deed(s) or misdeed(s) alleged and a reference as to the specific policy, procedure, rule, regulation or laws allegedly having been violated. **If** the Declaration is filed on behalf of the parents, it must be signed and dated by either one or both parents. **If** the Declaration is filed on behalf of a student, it must be signed and dated by the student and by either one or both parents. The Declaration must be filed within five (5) workdays subsequent to the alleged misdeed(s). **If** these requirements are not met, the Chancellor shall declare the Affidavit null and void.
- B. Within three (3) workdays from the receipt of the Declaration the Chancellor shall forward a copy of the Declaration to the identified staff person.
- C. The staff person shall provide to the Chancellor a written response to the allegations within five (5) workdays.
- D. After reviewing the Declaration and the response, the Chancellor shall hold a meeting with both parties (and in the case of a student being party to the complaint, the student) in an effort to reach a resolution acceptable to all parties involved. **If** a resolution is achieved, it shall be reduced to writing and each party to the complaint shall sign and date the document. The resolution shall be considered as final.
- E. **If** a resolution is not achieved, the Chancellor shall forward to the President of the Governing Council within three (3) workdays; a copy of the Declaration, the written response, and a synopsis of the meeting of reconciliation. The President shall furnish the Council members with these documents and shall call for a closed-door meeting of the Council to determine whether:
 1. The allegations are insufficient, or not supported by evidence of a specific policy, procedure, rule, regulation or law having been violated; and the Council may rule to set aside the complaint without further consideration or action. The Council's decision shall be final.
 2. The complaint warrants merit and a hearing of the facts with the Council sitting as a hearing board, and at which both parties shall be allowed to speak on his/her behalf but in the absence of the other party. The Council's decision and resulting action shall be considered final.
 3. The complaint warrants an official investigation by an independent third party. Based on the results of the investigation, Council shall move in a closed-door session to either:
 - a. Drop the complaint;
 - b. Conduct a follow-up hearing; or,
 - c. Take appropriate disciplinary action either toward the staff person, the complainant or both.
- F.

The action(s) of the Council shall be considered final.

VI. Student/Parent vs Administrator;

If a parent is compelled to file a complaint against an administrator on his/her own behalf or on behalf of his/her student child, the following shall prevail.

1. *The complaint shall be filed with the Council President in a written, signed and dated Declaration of Complaint detailing the deed(s) or misdeed(s) alleged as the basis of the complaint, citing the specific policy, procedure, rule, regulation or statute allegedly having been violated. The Declaration shall be submitted in a sealed envelope within five (5) workdays from the occurrence of the alleged deed(s) or misdeed(s). The President shall determine if the complaint meets the stipulated requirement. If he/she deems that sufficiency does not exist, the President shall declare the complaint null and void.*
2. *If the President deems that sufficiency exists, he/she shall within three (3) workdays forward a copy of the Declaration to the cited administrator who shall have five (5) workdays to respond in writing to the President.*
3. *Upon receipt of the response, the President shall determine whether to:*
 - A. *Dismiss the complaint on the grounds of insufficiency, or incompleteness; or*
 - B. *Hold a meeting with the cited administrator and the complaining party to seek an amicable resolution, that if reached shall be reduced to writing and be signed and dated by both parties; or*
 - C. *Refer the matter to a hearing within five (5) workdays with the Governing Council seated in closed-door session as the hearing panel. The results of the hearing shall be enacted in an open session. Both parties shall be allowed to speak on his/her behalf, but in the absence of the other party. The results and decisions reached shall be final; or,*
 - D. *Have the matter investigated by an independent third party, and based on the written report of the investigation, the Council shall opt to:*
 1. *Conduct a hearing as set forth in "D" above in order to obtain additional information or testimony; and/or*
 2. *Act on the complaint in a closed-door session with the results being enacted in an open session of the Council. The enacted decision(s) shall be considered final.*

VII. General Provisions:

The following general provisions shall prevail in the application of the above.

- A. *No complaint shall be accepted or acted on if it is not filed by use of the Declaration of Complaint.*

- B. *The Declaration of Complaint form shall be made available in both English and Spanish, and made easily accessible to any party compelled to fill; a complaint.*
 - C. *Failure of any of the involved parties in a filed complaint to comply with the requisites cited above. i.e. form, content, and/or timeframes, shall be cause for dismissal of the complaint.*
 - D. *Any conciliarory meeting, hearing or other deliberations shall be conducted in a civil and controlled environment.*
 - E. *Any appeal of a final determination must be filed within prescribed time limits and processes as Specified by applicable statutes.*
 - F. *All persons participating in meetings, hearings, investigations and/or deliberations shall protect the integrity of all others, and shall sustain the highest level of confidentiality. Evidence of non-compliance on the part of any party to the complaint shall result in the dismissal of the complaint while it is in process toward resolution.*
 - G. *Council decisions shall be considered final, unless a part to the complaint is compelled to file for civil action in an appropriate court.*
 - H. *Where acts that justify filing a complaint and that are subject to state or federal laws, i.e., acts of sexual abuse, child abuse, discrimination, etc., must be reported immediately, and may be made part of the contents of a Declaration of Complaint; and, upon receipt by the Chancellor or Council President, as may be appropriate, shall immediately report the act(s) to appropriate law enforcement, school officials, or other officials.*
 - I. *The Declaration of Complaint need not be notarized as a condition of filing.*
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Adopted. this the _____ day of _____ 200_ by legal vote of the Governing Council of La Academia Dolores Huerta, and ascribed to by the signatures hereto affixed below.

President

Secretary