

**Arlington Independent School District**  
**Public Complaint Form**  
**Level One**

Complete this form in accordance with District policy GF (LOCAL). Your complaint will be dismissed if it is submitted with incomplete information. Submit your Level One complaint via email to HREmployeeRelations@aisd.net

1. Name DAVID JARVIS
2. Address & Telephone Number 500 Dorcas Lane, Arlington, TX 76013 (817) 991-7153
3. The date of the event or action that gave rise to this complaint 7-14-23
4. A detailed factual description of all of the circumstance(s) that gave rise to this complaint. (Use additional pages if necessary)

At the 6-8-23 consolidated grievance hearing, Trustee Chapa made a brief statement/motion on the record that the Board's role was "to determine whether the administration has violated law or policy." I recently asked to Board to provide me by 7-14-23 a copy of any AISD policy that supported Mr. Chapa's claim/statement. The Board has refused to provide me with any legal (policy) authority to support Mr. Chapa's statement that an individual must show a violation of law or policy to prevail at an AISD grievance hearing.

5. Explain specifically how you were harmed or injured by the facts that you provided in response to item 4 above.

Every AISD parent and taxpayer is entitled to know what (if any) standard or burden of an individual must meet in order to have an AISD grievance granted. I am harmed when the Board refuses to provide any legal/policy authority for Trustee Chapa's claim at the 6-8-23 hearing. If Mr. Chapa's claim is correct - then give me the AISD policy authority which supports his statement. If Mr. Chapa's claim is not correct and not supported by any AISD policy, the Board should publicly acknowledge that fact.

6. Identify and attach any documents upon which you will rely during the complaint process and explain what those documents will prove.

One sworn affidavit dated 7-24-23, with attached Exhibits 1, 2, and 3.

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7. The district wants to have all complaints resolved informally or at the lowest possible level. Explain your efforts to informally resolve your complaint including whom you spoke with, when you met, and the response you received. If you did not attempt informal resolution, give a detailed explanation why not.

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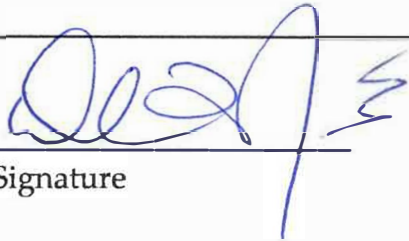
On 6-20-23, and again on 7-10-23, I sent the Board emails requesting that the Board provide me with the legal (policy) basis which supports Trustee Chapa's claim that an individual must present evidence at a grievance hearing that AISD has violated a law or policy in order for an individual's grievance to be granted. The Board did not answer or even acknowledge receipt of my two emails. Trustee Chapa cannot make such a burden of proof claim unless the claim is actually supported by AISD policy. The Board cannot simply make up claims that are not supported by AISD policy

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8. Identify the remedy you seek for this complaint. In other words, what do you want us to do in response to your complaint?

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I want AISD to simply answer this question: What legal (or policy) authority does AISD have to support Trustee Chapa's claim that AISD has no obligation to grant any grievance unless the individual filing the grievance can prove a "violation of law or policy"?

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Signature

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7-24-23

Date Submitted

Name, address, and telephone and fax number of representative, if any.

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djarvis1776@icloud.com

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## Sworn Affidavit

The State of Texas

County of Tarrant

David L. Jarvis, of Arlington, Texas, personally came and appeared before me, the undersigned Notary Public, and makes this his statement, testimony and General Affidavit under oath or affirmation, in good faith, and under penalty of perjury, of sincere belief and personal knowledge that the following matters, facts, and things set forth are true and correct, to the best of his knowledge:

1. On 6-8-23, a consolidated Level Four grievance hearing was conducted at the AISD Board hearing room. The AISD Board of Trustees (Board) consolidated four different grievances and considered all four grievances at the same hearing. Over my strong objection, the Board closed the consolidated grievance hearing. All members of the public were forced to leave the hearing room and were not allowed to hear my argument in support of granting my four grievances. In my view, the closure of this Level Four AISD grievance hearing was unlawful and in violation of the Texas Open Meetings Act, Texas Government Code, Chapter 551. I am presently considering a possible lawsuit against AISD based on the Board's unanimous vote to unlawfully close this grievance hearing to the public.
2. At the conclusion of a Level Four consolidated grievance hearing on 6-8-23, AISD Trustee Justin Chapa made a brief motion to deny all four grievances. Part of Mr. Chapa's statement included the following comments:

- “The grievance process is to determine **whether the administration has violated law or policy**”; and (my bold emphasis)
- “However, **having found no violation of law or policy, or an arbitrary or capricious act**, I move today to affirm the administration’s decision with respect to the grievances and deny all relief requested.” (my bold emphasis)

In his statement, Trustee Chapa offered a brief explanation for his denial of Grievance Number One (AISD guidance to teachers). Trustee Chapa did not offer any explanation or provide any factual basis for his motion to deny Grievances Two, Three or Four. A transcript of Trustee Chapa’s complete statement is attached as Exhibit Number 1 to this affidavit.

3. When I heard Mr. Chapa’s brief statement, I was not familiar with the phrases he used – references that I (grievant) had proven “no violation of law or policy” and “no arbitrary or capricious act” in any of my four grievances. I carefully reviewed the two attached AISD Public Complaint policies and could not find either of these phrases in current AISD Public Complaint policies. I would expect to find somewhere in these two policies some reference to these two phrases - which apparently set the standard of proof and/or amount of credible evidence that an individual grievant must present at any AISD grievance hearing to have a grievance granted. A copy of AISD Public Complaint Policy, GF(LEGAL)-P, and GF(LOCAL)-X, are attached as Exhibit Number 2 and Exhibit Number 3 to this affidavit.
4. Following Trustee Chapa’s brief statement, all seven AISD Trustees voted to deny all four of my grievances. None of the seven trustees made any statement on the record explaining the factual basis for their unanimous denial of all four grievances.

5. On June 9, 2023, I submitted a formal document request to the AISD Legal Office. I requested production of any AISD documents that supported Mr. Chapa's claim that for a grievant to prevail, the grievant must show a "violation of law or policy". In response to my request, the AISD Legal Office only produced two AISD policy documents – GF(LEGAL)-P, and GF(LOCAL)-X. Apparently the AISD Legal Office is not aware of any other AISD policies related to grievance procedures. After a careful review of these two attached policy documents, I cannot not find any requirement that the grievant must show a "violation of law or policy" for a grievance to be granted.
6. On June 20, 2023, I sent an email to the Board and copied AISD Attorney Dennis Eichelbaum. In this email, I attached a transcript of Trustee Chapa's statement/motion to the Board on 6-8-23. I also informed the Board that the AISD Legal Office produced only Exhibits 2 and 3 to this affidavit. I could not locate the phrase "violation of law or policy" in either of these two policy documents. Both the Board and attorney Eichelbaum have ignored my June 20 email and refused to respond to my request that the Board identify the specific legal/policy which supports Trustee Chapa's statement at the June 8 grievance hearing that "The grievance policy is to determine whether the administration has violated law or policy."
7. On July 10, 2023, I sent the Board a follow-up email, copying AISD attorney Eichelbaum and Interim AISD Superintendent Steven Wurtz. I again asked the Board to provide legal authority to support Trustee Chapa's apparently incorrect claim that any grievant must show a "violation of law or policy" to prevail at any grievance hearing. I again asked the Board to identify and provide legal authority (written

policy) which supported Mr. Chapa's claim that a grievance cannot be granted unless the grievant can show "a violation of law or policy". The Board also ignored my July 10 email.

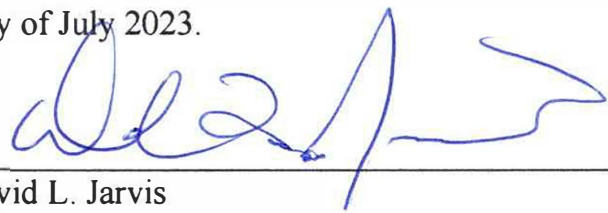
8. If the Board to adopted and imposed this standard of proof on any grievant -- such an outcome would result in an unfair AISD grievance policy with no meaningful limits on AISD denying all grievances. As long as AISD did not violate any law -- then AISD would be free to adopt vague policies that ultimately gives the AISD Board unlimited discretion to do whatever they want. Such an outcome would be grossly unfair and unjust to parents and taxpayers. Parents and taxpayers would be denied any meaningful remedy to unfair conduct -- since AISD could easily defend their conduct by simply stating "AISD has not violated any AISD policy". AISD would have an absolute defense to any grievance. AISD would simply point out that the grievance complains of practices and conduct that is not specifically prohibited by AISD policy. For these reasons, Trustee Chapa's standard of proof is clearly unworkable and grossly unfair to parents and taxpayers.
9. The solution to this grievance is very simple. If Mr. Chapa's claim that every grievant must show a "violation of law or policy" is true, then this Board and attorney Eichelbaum should easily be able to find sufficient legal (policy) authority to support Mr. Chaps's claim within current AISD grievance polices. It is puzzling and disturbing that the Board has simply ignored my emails on this issue. If you have legal authority (policy) to support Mr. Chapa's claim -- why not give me that authority? Why is the Board choosing to be so non-responsive and evasive?

10. This Board has refused to respond to my emails and provide the legal (policy) authority to support Trustee Chapa's burden of proof claim. This Board and attorney Eichelbaum have a clear obligation to provide legal (policy) authority to support Trustee Chapa's burden of proof claim. The Board cannot simply unilaterally insert a new burden of proof standard on the grievant that is not included in current AISD policy. To do so would be a lawless act by the Board – and would further erode public confidence in the integrity of this Board.
11. On the Board's website, you claim that you see yourselves as "guardians of the public trust". When the Board refuses to communicate and answer simple policy questions, you are not guarding the public trust, you are undermining the public's confidence and trust in the Board's judgment and integrity.
12. If the AISD Board of Trustees believes any statements in this affidavit are not accurate or are misleading/incomplete, please inform me and I will take appropriate action as needed to revise this affidavit.

**[Nothing further on this page, only signatures follow]**

All statements made are of my own knowledge and are true and correct.

Dated and executed this 24<sup>th</sup> day of July 2023.



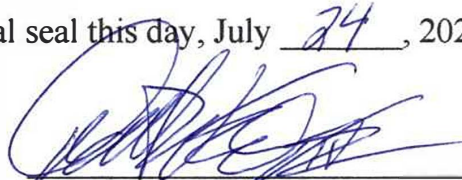
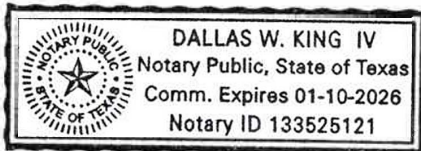
\_\_\_\_\_  
David L. Jarvis  
Affiant

The State of Texas

County of Tarrant

Before me, Dallas W. King IV, Notary Public, on this day personally appeared David L. Jarvis, known to me to be the person whose name is subscribed to the foregoing sworn affidavit under penalty of perjury, and acknowledged to me that they voluntarily executed this affidavit.

Given under my hand and official seal this day, July 24, 2023.



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Dallas W. King IV, Notary Public, State of Texas  
My commission expires: 01-10-2026



**Arlington Independent School District (AISD), Arlington, Texas**  
**AISD Level Four Consolidated Grievance Hearing (4 grievances)**

**6-8-23**

**Statement of Trustee Justin Chapa**  
**Vice President, AISD Board of Trustees**

**Before I make my motion, I would like to make a brief statement. The grievance process is to determine whether the administration has violated law or policy. Mr. Jarvis' grievances sought answers to hypothetical questions and asserted his disagreement with discretionary decisions. That a grievant does not like an answer or a particular decision or an act or failure to act does not constitute a violation of law or policy. It is important to note that AISD has statutory limitations on when it can share information, such as student and employee discipline. We expect that AISD representatives conduct themselves with professionalism and courtesy. However, having found no violation of law or policy, or an arbitrary or capricious act, I move today to affirm the administrations decision with respect to the grievances and deny all relief requested.**

**On 6-20-23, the above statement of Trustee Chapa was transcribed by David Jarvis from a part of the AISD video of the 6-8-23 hearing posted for public viewing**

Arlington ISD  
220901

**Affidavit Exhibit No. 2**

Level One Grievance  
Grievant David L. Jarvis

**Filing Date: 7-24-23**

PUBLIC COMPLAINTS

GF  
(LEGAL)

**United States  
Constitution**

A district shall take no action abridging the freedom of speech or the right of the people to petition the board for redress of grievances. *U.S. Const. Amend. I, XIV*

A board may confine its meetings to specified subject matter and may hold nonpublic sessions to transact business. But when a board sits in public meetings to conduct public business and hear the views of citizens, it may not discriminate between speakers on the basis of the content of their speech or the message it conveys. *Rosenberg v. Rector & Visitors of Univ. of Virginia*, 515 U.S. 819, 828 (1995); *City of Madison v. Wis. Emp. Rel. Comm'n.*, 429 U.S. 167, 174 (1976); *Pickering v. Bd. of Educ.*, 391 U.S. 563, 568 (1968)

**Texas Constitution**

Citizens shall have the right, in a peaceable manner, to assemble together for their common good and to apply to those invested with the powers of government for redress of grievances or other purposes, by petition, address, or remonstrance. *Tex. Const. Art. I, Sec. 27*

**Response to  
Complaints**

There is no requirement that a board negotiate or even respond to complaints. However, a board must stop, look, and listen and must consider the petition, address, or remonstrance. *Professional Association of College Educators v. El Paso County Community [College] District*, 678 S.W.2d 94 (Tex. App.—El Paso 1984, writ ref'd n.r.e.)

**Federal Laws  
Section 504**

A district that receives federal financial assistance, directly or indirectly, and that employs 15 or more persons shall adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973. 29 U.S.C. 794; 34 C.F.R. 104.7(b)

**Americans with  
Disabilities Act**

A district that employs 50 or more persons shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Code of Federal Regulations, Title 28, Part 35 (Americans with Disabilities Act regulations). 28 C.F.R. 35.107

**Closed Meeting**

A board may conduct a closed meeting on a public complaint to the extent required or provided by law. [See BEC]

**Record of  
Proceedings**

An appeal of a board's decision to the Commissioner of Education shall be decided based on a review of the record developed at the district level. "Record" includes, at a minimum, an audible electronic recording or written transcript of all oral testimony or argument. *Education Code 7.057(c), (f)*

PUBLIC COMPLAINTS

GF  
(LEGAL)

It is a district's responsibility to make and preserve the records of the proceedings before the board. If a district fails to create and preserve the record without good cause, all substantial evidence issues that require missing portions of the record for resolution shall be deemed against the district. The record shall include:

1. A tape recording or a transcript of the hearing at the local level. If a tape recording is used:
  - a. The tape recording must be complete, audible, and clear; and
  - b. Each speaker must be clearly identified.
2. All evidence admitted;
3. All offers of proof;
4. All written pleadings, motions, and intermediate rulings;
5. A description of matters officially noticed;
6. If applicable, the decision of the hearing examiner;
7. A tape recording or transcript of the oral argument before the board; and
8. The decision of the board.

*19 TAC 157.1073(d)*

**Disruption**

It is a criminal offense for a person, with intent to prevent or disrupt a lawful meeting, to substantially obstruct or interfere with the ordinary conduct of a meeting by physical action or verbal utterance and thereby curtail the exercise of others' First Amendment rights. *Penal Code 42.05; Morehead v. State, 807 S.W. 2d 577 (Tex. Cr. App. 1991)*

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**Note:** Public complaints regarding instructional and library materials are addressed at EF and complaints against peace officers are addressed at CKE.

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Arlington ISD  
220901

**PUBLIC COMPLAINTS**

**Affidavit Exhibit No. 3**  
**Level One Grievance**  
**Grievant David L. Jarvis**  
**Filing Date: 7-24-23**

**GF**  
**(LOCAL)**

<b>Complaints</b>	<p>In this policy, the terms "complaint" and "grievance" shall have the same meaning.</p>
<b>Other Complaint Processes</b>	<p>Complaints by members of the public shall be filed in accordance with this policy, except that complaints concerning instructional resources shall first be filed in accordance with EF, with appeals submitted in accordance with GF after the relevant complaint process.</p> <p>Complaints regarding refusal of entry to or ejection from District property based on Education Code 37.105 shall be filed in accordance with this policy. However, the timelines shall be adjusted as necessary to permit the complainant to address the Board in person within 90 calendar days of filing the initial complaint, unless the complaint is resolved before the Board considers it. [See GKA(LEGAL)]</p>
<b>Guiding Principles</b>	<p>The Board encourages the public to discuss concerns with an appropriate administrator who has the authority to address the concerns. Concerns should be expressed as soon as possible to allow early resolution at the lowest possible administrative level.</p>
<b>Informal Process</b>	<p>Informal resolution shall be encouraged but shall not extend any deadlines in this policy, except by mutual written consent.</p>
<b>Formal Process</b>	<p>An individual may initiate the formal process described below by timely filing a written complaint form.</p> <p>Even after initiating the formal complaint process, individuals are encouraged to seek informal resolution of their concerns. An individual whose concerns are resolved may withdraw a formal complaint at any time.</p> <p>The process described in this policy shall not be construed to create new or additional rights beyond those granted by law or Board policy, nor to require a full evidentiary hearing or "mini-trial" at any level.</p>
<b>Freedom from Retaliation</b>	<p>Neither the Board nor any District employee shall unlawfully retaliate against any individual for bringing a concern or complaint.</p>
<b>General Provisions</b>	<p>Complaint forms and appeal notices may be filed by hand-delivery, by electronic communication, including email and fax, or by U.S. Mail. Hand-delivered filings shall be timely filed if received by the appropriate administrator or designee by the close of business on the deadline. Filings submitted by electronic communication shall be timely filed if they are received by the close of business on the deadline, as indicated by the date/time shown on the electronic communication. Mail filings shall be timely filed if they are post-marked by U.S. Mail on or before the deadline and received by the</p>
<b>Filing</b>	

PUBLIC COMPLAINTS

GF  
(LOCAL)

	<p>appropriate administrator or designated representative no more than three days after the deadline.</p>
<b>Scheduling Conferences</b>	<p>The District shall make reasonable attempts to accommodate scheduling conflicts for hearings. If the individual fails to appear at a scheduled conference, the District may hold the conference and issue a decision in the individual's absence.</p>
<b>Response</b>	<p>At Levels One, Two, and Three, "response" shall mean a written communication to the individual from the appropriate administrator. Responses may be hand-delivered, sent by electronic communication to the individual's email address of record, or sent by U.S. Mail to the individual's mailing address of record. Mailed responses shall be timely if they are postmarked by U.S. Mail on or before the deadline.</p>
<b>Days</b>	<p>"Days" shall mean District business days, unless otherwise noted. In calculating timelines under this policy, the day a document is filed is "day zero." The following business day is "day one."</p>
<b>Representative</b>	<p>"Representative" shall mean any person who or organization that is designated by an individual to represent the individual in the complaint process.</p> <p>The individual may designate a representative through written notice to the District at any level of this process. If the individual designates a representative with fewer than three days' notice to the District before a scheduled conference or hearing, the District may reschedule the conference or hearing to a later date, if desired, in order to include the District's counsel. The District may be represented by counsel at any level of the process.</p>
<b>Consolidating Complaints</b>	<p>Complaints arising out of an event or a series of related events shall be addressed in one complaint. An individual shall not file separate or serial complaints arising from any event or series of events that have been or could have been addressed in a previous complaint.</p>
<b>Untimely Filings</b>	<p>All time limits shall be strictly followed unless modified by mutual written consent.</p> <p>If a complaint form or appeal notice is not timely filed, the complaint may be dismissed, on written notice to the individual, at any point during the complaint process. The individual may appeal the dismissal by seeking review in writing within ten days from the date of the written dismissal notice, starting at the level at which the complaint was dismissed. Such appeal shall be limited to the issue of timeliness.</p>

**PUBLIC COMPLAINTS**

**GF  
(LOCAL)**

**Costs Incurred** Each party shall pay its own costs incurred in the course of the complaint, including copies.

**Complaint and Appeal Forms** Complaints and appeals under this policy shall be submitted in writing on a form provided by the District.

Copies of any documents that support the complaint should be attached to the complaint form. If the individual does not have copies of these documents, they may be presented at the Level One conference. After the Level One conference, no new documents may be submitted by the individual unless the individual did not know the documents existed before the Level One conference.

A complaint or appeal form that is incomplete in any material aspect may be dismissed but may be refiled with all the required information if the refiling is within the designated time for filing.

**Level One**

Complaint forms must be filed:

1. Within 15 days of the date the individual first knew, or with reasonable diligence should have known, of the decision or action giving rise to the complaint or grievance; and
2. With the lowest level administrator who has the authority to remedy the alleged problem.

If the only administrator who has authority to remedy the alleged problem is the Superintendent or designee, the complaint may begin at Level Three following the procedure, including deadlines, for filing the complaint form at Level One.

If the complaint is not filed with the appropriate administrator, the receiving administrator must note the date and time the complaint form was received and immediately forward the complaint form to the appropriate administrator.

The appropriate administrator shall investigate as necessary and schedule a conference with the individual within ten days after receipt of the written complaint. The administrator may set reasonable time limits for the conference.

Absent extenuating circumstances, the administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the administrator may consider information provided at the Level One conference and any other relevant documents or information the administrator believes will help resolve the complaint.

**Level Two**

If the individual did not receive the relief requested at Level One or if the time for a response has expired, he or she may request a

**PUBLIC COMPLAINTS**

**GF  
(LOCAL)**

conference with the Level Two administrator to appeal the Level One decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level One response or, if no response was received, within ten days of the Level One response deadline.

After receiving notice of the appeal, the Level One administrator shall prepare and forward a record of the Level One complaint to the Level Two administrator. The individual may request a copy of the Level One record.

The Level One record shall include:

1. The original complaint form and any attachments.
2. All other documents submitted by the individual at Level One.
3. The written response issued at Level One and any attachments.
4. All other documents relied upon by the Level One administrator in reaching the Level One decision.

The Level Two administrator shall schedule a conference within ten days after the appeal notice is filed. The conference shall be limited to the issues and documents considered at Level One. At the conference, the individual may provide information concerning any documents or information relied upon by the administration for the Level One decision. The Level Two administrator may set reasonable time limits for the conference.

The Level Two administrator shall provide the individual a written response within ten days following the conference. The written response shall set forth the basis of the decision. In reaching a decision, the Level Two administrator may consider the Level One record, information provided at the Level Two conference, and any other relevant documents or information the Level Two administrator believes will help resolve the complaint.

Recordings of the Level One and Level Two conferences, if any, shall be maintained with the Level One and Level Two records.

**Level Three**

If the individual did not receive the relief requested at Level Two or if the time for a response has expired, he or she may request a conference with the Superintendent or designee to appeal the Level Two decision.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Two response or, if no response was received, within ten days of the Level Two response deadline.

After receiving notice of the appeal, the Level Two administrator shall prepare and forward a record of the Level Two appeal to the Level Three administrator. The individual may request a copy of the Level Two record.

The Level Two record shall include:

1. The Level One record.
2. The notice of appeal from Level One to Level Two.
3. The written response issued at Level Two and any attachments.
4. All other documents relied upon by the Level Two administrator in reaching the Level Two decision.

The Level Three conference shall be an informal conference. The conference may be recorded. The purpose of the Level Three conference is to determine if any administrative resolution is available that the complainant and the administration can agree upon absent further appeal. If a resolution is agreed upon, then the appeal is concluded.

Absent extenuating circumstances, the Level Three administrator shall provide the individual a written response within ten days following the conference.

Recordings of the Level One, Level Two, and Level Three conferences, if any, shall be maintained with the Level One, Level Two, and Level Three records.

#### Level Four

If the individual did not receive the relief requested at Level Three or if the time for a response has expired, he or she may appeal the decision to the Board.

The appeal notice must be filed in writing, on a form provided by the District, within ten days of the date of the written Level Three response or, if no response was received, within ten days of the Level Three response deadline.

The Superintendent or designee shall inform the individual of the date, time, and place of the Board meeting at which the complaint will be on the agenda for presentation to the Board.



The Superintendent or designee shall provide the Board the record of the lower level appeals. The individual may request a copy of the Level Three record.

The Level Three record shall include:

1. The Level One record.
2. The Level Two record.
3. The notice of appeal from Level Two to Level Three.
4. The written response issued at Level Three and any attachments.
5. All other documents relied upon by the administration in reaching the Level Three decision.

The appeal shall be limited to the issues and documents considered at Level Three, except that if at the Level Four hearing the administration intends to rely on evidence not included in the Level Three record, the administration shall provide the individual notice of the nature of the evidence at least three days before the hearing.

The District shall determine whether the complaint will be presented in open or closed meeting in accordance with the Texas Open Meetings Act and other applicable law. [See BE]

The presiding officer may set reasonable time limits and guidelines for the presentation, including an opportunity for the individual and administration to each make a presentation and provide rebuttal and an opportunity for questioning by the Board. The Board shall hear the complaint and may request that the administration provide an explanation for the decisions at the preceding levels.

In addition to any other record of the Board meeting required by law, the Board shall prepare a separate record of the Level Four presentation. The Level Four presentation, including the presentation by the individual or his or her representative, any presentation from the administration, and questions from the Board with responses, shall be recorded by audio recording, video/audio recording, or court reporter.

The Board shall then consider the complaint. It may give notice of its decision orally or in writing at any time up to and including the next regularly scheduled Board meeting. If the Board does not make a decision regarding the complaint by the end of the next regularly scheduled meeting, the lack of a response by the Board upholds the administrative decision at Level Three.