

1 **Bainville K-12 Schools**

2  
3 **THE BOARD OF TRUSTEES**

1700  
page 1 of 3

4  
5 Uniform Complaint Procedure

6  
7 The Board establishes this Uniform Complaint Procedure as a means to address complaints  
8 arising within the District. This Uniform Complaint Procedure is intended to be used for all  
9 complaints except those involving challenges to educational material and those governed by a  
10 collective bargaining agreement.

11  
12 The District requests all individuals to use this complaint procedure, when the individual  
13 believes the Board or its employees or agents have violated the individual's rights under: (1)  
14 Montana constitutional, statutory, or administrative law; (2) United States constitutional,  
15 statutory, or regulatory law; or (3) Board policy.

16  
17 The District will endeavor to respond to and resolve complaints without resorting to this formal  
18 complaint procedure and, when a complaint is filed, to address the complaint promptly and  
19 equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder  
20 will not be impaired by a person's pursuit of other remedies. Use of this complaint procedure is  
21 not a prerequisite to pursuit of other remedies, and use of this complaint procedure does not  
22 extend any filing deadline related to pursuit of other remedies.

23  
24 The Superintendent has the authority to contract with an independent investigator at any time  
25 during the complaint procedure process. Within fifteen (15) calendar days of the  
26 Superintendent's receipt of the independent investigator's report and recommendation, the  
27 Superintendent will respond to the complaint and take such administrative steps as the  
28 Superintendent deems appropriate and necessary.

29  
30 Complaints concerning risks such as unsafe working conditions, management practices, quality  
31 of service, sexual harassment, discrimination, alcohol and substance abuse, wrongful discharge,  
32 internal controls, vandalism and sabotage, theft, conduct violations or threats may be reported  
33 confidentially to the Lighthouse hotline, a third party reporter. Such anonymous reports will then  
34 be routed to the appropriate Bainville Public School person. The District will review anonymous  
35 reports and take action appropriate to the circumstances in accordance with District policy. The  
36 anonymous reporter may continue to contribute to the investigation anonymously. No final  
37 finding or report will be made to an anonymous complainant who uses Lighthouse.

38  
39  
40 Level 1: Informal

41  
42 An individual with a complaint is first encouraged to discuss it with the appropriate teacher,  
43 counselor, or building administrator with the objective of resolving the matter promptly and  
44 informally. An exception is that a complaint of sexual harassment should be discussed directly  
45 with an administrator not involved in the alleged harassment.

46

1  
2  
3  
4 Level 2: Building Administrator  
5

6 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed  
7 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event  
8 or incident giving rise to the complaint, including any school personnel involved; and (3) the  
9 remedy or resolution requested. This written complaint must be filed within thirty (30) calendar  
10 days of the event or incident or from the date an individual could reasonably become aware of  
11 such event or incident.

12  
13 When a complaint alleges violation of Board policy or procedure, the building administrator will  
14 investigate and attempt to resolve the complaint. The administrator will respond in writing to the  
15 complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.  
16

17  
18 If either the complainant or the person against whom the complaint is filed is dissatisfied with  
19 the administrator's decision, either may request, in writing, that the Superintendent review the  
20 administrator's decision. (See Level 3.) This request must be submitted to the Superintendent  
21 within fifteen (15) calendar days of the administrator's decision.  
22

23 When a complaint alleges sexual harassment or a violation of Title IX of the Education  
24 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of  
25 1990, or Section 504 of the Rehabilitation Act of 1973, the Superintendent may turn the  
26 complaint over to the District nondiscrimination coordinator. The coordinator will complete an  
27 investigation and file a report and recommendation with the Superintendent. A coordinator may  
28 hire, with the approval of the Superintendent, an independent investigator to conduct the  
29 investigation. Within fifteen (15) calendar days of the Superintendent's receipt of the  
30 coordinator's or independent investigators report and recommendation, the Superintendent will  
31 respond to the complaint and take such administrative steps as the Superintendent deems  
32 appropriate and necessary. If either the complainant or the person against whom the complaint is  
33 filed is dissatisfied with the Superintendent's decision, either may request, in writing, that the  
34 Board consider an appeal of the Superintendent's decision. (See Level 3.) This request must be  
35 submitted in writing to the Superintendent, within fifteen (15) calendar days of the  
36 Superintendent's written response to the complaint, for transmission to the Board.  
37

38 Level 3: Superintendent  
39

40 If either the complainant or the person against whom the complaint is filed appeals the  
41 administrator's decision provided for in Level 2, the Superintendent will review the complaint  
42 and the administrator's decision. The Superintendent will respond in writing to the appeal within  
43 thirty (30) calendar days of the Superintendent's receipt of the written appeal. In responding to  
44 the appeal, the Superintendent may: (1) meet with the parties involved in the complaint; (2)  
45 conduct a separate or supplementary investigation; (3) engage an outside investigator or other  
46 District employees to assist with the appeal; and/or (4) take other steps appropriate or helpful in

1  
2  
3  
4 resolving the complaint.  
5

6 If either the complainant or the person against whom the complaint is filed is dissatisfied with  
7 the Superintendent's decision, either may request, in writing, that the Board consider an appeal  
8 of the Superintendent's decision. (See Level 4.) This request must be submitted to the  
9 Superintendent within fifteen (15) calendar days of the Superintendent's written response to the  
10 complaint, for transmission to the board.  
11

12  
13 Level 4: The Board  
14

15 Upon written appeal, the Board will consider the Superintendent's decision. Upon receipt of  
16 written request for appeal, the Chairperson will either: (1) place the appeal on the agenda of a  
17 regular or special Board meeting; or (2) appoint an appeals panel of not less than three (3)  
18 trustees to hear the appeal and make a recommendation to the Board. If the Chair appoints a  
19 panel to consider the appeal, the panel will meet to consider the appeal and then make  
20 written recommendation to the full Board. The Board will report its decision on the appeal, in  
21 writing, to all parties, within thirty (30) **calendar** days of the Board meeting at which the Board  
22 considered the appeal or the recommendation of the panel. A decision of the Board is final,  
23 unless it is appealed pursuant to Montana law within the period provided by law.  
24

25  
26 Level 4: County Superintendent  
27

28 When a matter falls within the jurisdiction of the county superintendent of schools, the decision  
29 of the Board may be appealed to the county superintendent by filing written appeal within thirty  
30 (30) **calendar** days of the Board's decision, pursuant to Montana law.  
31

32 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)  
33 Title II of the Americans with Disabilities Act of 1990  
34 § 504 of the Rehabilitation Act of 1973  
35

36 Policy History:

37 Adoption on: 2/25/08  
38 Reviewed on: 12/15/10  
39 Revised on: 8/8/2018