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3 **THE BOARD OF TRUSTEES**

4
5 Uniform Complaint Procedure

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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 governed by a specific process in state or federal law that supersedes
10 this process or collective bargaining agreement. Matters covered by a collective bargaining
11 agreement will be reviewed in accordance with the terms of the applicable agreement.

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13 The District requests all individuals to use this complaint procedure, when the individual
14 believes the Board or its employees or agents have violated the individual’s rights under state or
15 federal law or Board policy. Complaints against a building administrator shall be filed with the
16 Superintendent. Complaints against the Superintendent or District administrator shall be filed
17 with the Board.

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

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26 Deadlines requiring District action in this procedure may be extended for reasons related but not
27 limited to the District’s retention of legal counsel and District investigatory procedures.

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29 Level 1: Informal

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31 An individual with a complaint is first encouraged to discuss it with the appropriate or building
32 administrator, with the objective of resolving the matter promptly and informally. An exception
33 is that a complaint of sexual harassment should be discussed directly with an administrator not
34 involved in the alleged harassment.

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36 Level 2: Building Administrator

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38 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
39 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event
40 or incident giving rise to the complaint, including any school personnel involved; and (3) the
41 remedy or resolution requested. The written complaint must be filed within thirty (30) calendar
42 days of the event or incident or from the date an individual could reasonably become aware of
43 such event or incident. The applicability of the deadline is subject to review by the
44 Superintendent to ensure the intent of this uniform complaint procedure is honored.

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46 When a complaint alleges violation of Board policy or procedure, the building administrator will

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4 investigate and attempt to resolve the complaint. The administrator will respond in writing to the
5 complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.
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7 If the complainant has reason to believe the administrator's decision was made in error, the
8 complainant may request, in writing, that the Superintendent review the
9 administrator's decision. (See Level 3.) This request must be submitted to the Superintendent
10 within fifteen (15) calendar days of the administrator's decision.
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12 When a complaint alleges sexual harassment or a violation of Title IX of the Education
13 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
14 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator may turn the
15 complaint over to a District nondiscrimination coordinator. The coordinator will complete an
16 investigation and file a report and recommendation with the Superintendent. If the complainant
17 reason to believe the Superintendent's decision was made in error, the complainant may request,
18 in writing, that the Board consider an appeal of the Superintendent's decision. (See Level 4.)
19 This request must be submitted in writing to the Superintendent, within fifteen (15) calendar
20 days of the Superintendent's written response to the complaint, for transmission to the Board.
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22 Level 3: Superintendent

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24 If the complainant appeals the administrator's decision provided for in Level 2, the
25 Superintendent will review the complaint and the administrator's decision. The Superintendent
26 will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent's
27 receipt of the written appeal. In responding to the appeal, the Superintendent may: (1) meet with
28 the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3)
29 engage an outside investigator or other District employees to assist with the appeal; and/or (4)
30 take other steps appropriate or helpful in resolving the complaint.
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32 If the complainant has reason to believe the Superintendent's decision was made in error, the
33 complainant may request, in writing, that the Board consider an appeal of the Superintendent's
34 decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within
35 fifteen (15) calendar days of the Superintendent's written response to the complaint, for
36 transmission to the Board.
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38 Level 4: The Board

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40 Upon written appeal of a complaint alleging a violation the individual's rights under state or
41 federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board
42 may consider the Superintendent's decision in Level 2 or 3. Upon receipt of written request for
43 appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board
44 meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make
45 a recommendation to the Board, or (3) respond to the complaint with an explanation of why the
46 appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair

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4 appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make
5 written recommendation to the full Board. The Board will report its decision on the appeal, in
6 writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board
7 considered the appeal or the recommendation of the panel. A decision of the Board is final,
8 unless it is appealed pursuant to Montana law within the period provided by law.

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10 **Legal Reference:** Title IX of the Education Amendments of 1972 (Civil Rights Act)
11 Title II of the Americans with Disabilities Act of 1990
12 § 504 of the Rehabilitation Act of 1973
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14 **Policy History:**

15 Adopted on: 2/25/2008

16 Reviewed on: 12/15/2010

17 Revised on: 4/17/2019, 1/8/2020