

1 **Bainville K-12 Schools**

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3 **THE BOARD OF TRUSTEES**

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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 involving challenges to educational material and those governed by a
10 collective bargaining agreement.

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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.

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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.

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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.

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30 Level 1: Informal

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

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37 Level 2: Building Administrator

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

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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 either the complainant or the person against whom the complaint is filed is dissatisfied with
8 the administrator's decision, either 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 Superintendent may turn the
15 complaint over to the District nondiscrimination coordinator. The coordinator will complete an
16 investigation and file a report and recommendation with the Superintendent. A coordinator may
17 hire, with the approval of the Superintendent, an independent investigator to conduct the
18 investigation. Within fifteen (15) calendar days of the Superintendent's receipt of the
19 coordinator's or independent investigators report and recommendation, the Superintendent will
20 respond to the complaint and take such administrative steps as the Superintendent deems
21 appropriate and necessary. If either the complainant or the person against whom the complaint is
22 filed is dissatisfied with the Superintendent's decision, either may request, in writing, that the
23 Board consider an appeal of the Superintendent's decision. (See Level 3.) This request must be
24 submitted in writing to the Superintendent, within fifteen (15) calendar days of the
25 Superintendent's written response to the complaint, for transmission to the Board.
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27 Level 3: Superintendent

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29 If either the complainant or the person against whom the complaint is filed appeals the
30 administrator's decision provided for in Level 2, the Superintendent will review the complaint
31 and the administrator's decision. The Superintendent will respond in writing to the appeal within
32 thirty (30) calendar days of the Superintendent's receipt of the written appeal. In responding to
33 the appeal, the Superintendent may: (1) meet with the parties involved in the complaint; (2)
34 conduct a separate or supplementary investigation; (3) engage an outside investigator or other
35 District employees to assist with the appeal; and/or (4) take other steps appropriate or helpful in
36 resolving the complaint.
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38 If either the complainant or the person against whom the complaint is filed is dissatisfied with
39 the Superintendent's decision, either may request, in writing, that the Board consider an appeal
40 of the Superintendent's decision. (See Level 4.) This request must be submitted to the
41 Superintendent within fifteen (15) calendar days of the Superintendent's written response to the
42 complaint, for transmission to the board.
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3 Level 4: The Board
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5 Upon written appeal, the Board will consider the Superintendent's decision. Upon receipt of
6 written request for appeal, the Chairperson will either: (1) place the appeal on the agenda of a
7 regular or special Board meeting; or (2) appoint an appeals panel of not less than three (3)
8 trustees to hear the appeal and make a recommendation to the Board. If the Chair appoints a
9 panel to consider the appeal, the panel will meet to consider the appeal and then make
10 written recommendation to the full Board. The Board will report its decision on the appeal, in
11 writing, to all parties, within thirty (30) **calendar** days of the Board meeting at which the Board
12 considered the appeal or the recommendation of the panel. A decision of the Board is final,
13 unless it is appealed pursuant to Montana law within the period provided by law.
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16 Level 4: County Superintendent
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18 When a matter falls within the jurisdiction of the county superintendent of schools, the decision
19 of the Board may be appealed to the county superintendent by filing written appeal within thirty
20 (30) **calendar** days of the Board's decision, pursuant to Montana law.
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22 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
23 Title II of the Americans with Disabilities Act of 1990
24 § 504 of the Rehabilitation Act of 1973
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26 Policy History:

27 Adoption on: 2/25/08
28 Reviewed on: 12/15/10
29 Revised on: