

THE BOARD OF TRUSTEES

1 Uniform Complaint Procedure

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3 The Board establishes this Uniform Complaint Procedure as a means to address complaints
4 arising within the District. This Uniform Complaint Procedure is intended to be used for all
5 complaints except those involving challenges to educational material and those governed by a
6 specific process in state or federal law that supersedes this process or collective bargaining
7 agreement. Matters covered by a collective bargaining agreement will be reviewed in accordance
8 with the terms of the applicable agreement.

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

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

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

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26 Level 1: Informal

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

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33 Level 2: Building Administrator

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

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1 When a complaint alleges violation of Board policy or procedure, the building administrator will
2 investigate and attempt to resolve the complaint. The administrator will respond in writing to the
3 complaint, within thirty (30) calendar days of the administrator’s receipt of the complaint.
4

5 If the complainant has reason to believe the administrator’s decision was made in error, the
6 complainant may request, in writing, that the Superintendent review the administrator’s decision.
7 (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar
8 days of the administrator’s decision.
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10 When a complaint alleges sexual harassment or a violation of Title IX of the Education
11 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
12 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator may turn the
13 complaint over to a District nondiscrimination coordinator. The coordinator will complete an
14 investigation and file a report and recommendation with the Superintendent. If the complainant
15 is dissatisfied with the Superintendent’s decision, the complainant may request, in writing, that
16 the Board consider an appeal of the Superintendent’s decision. (See Level 4.) This request must
17 be submitted in writing to the Superintendent, within fifteen (15) calendar days of the
18 Superintendent’s written response to the complaint, for transmission to the Board.
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20 Level 3: Superintendent
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22 If the complainant filed appeals the administrator’s decision provided for in Level 2, the
23 Superintendent will review the complaint and the administrator’s decision. The Superintendent
24 will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent’s
25 receipt of the written appeal. In responding to the appeal, the Superintendent may: (1) meet
26 with the parties involved in the complaint; (2) conduct a separate or supplementary investigation;
27 (3) engage an outside investigator or other District employees to assist with the appeal; and/or
28 (4) take other steps appropriate or helpful in resolving the complaint.
29

30 If the complainant has reason to believe the Superintendent’s decision was made in error, the
31 complainant may request, in writing, that the Board consider an appeal of the Superintendent’s
32 decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within
33 fifteen (15) calendar days of the Superintendent’s written response to the complaint, for
34 transmission to the Board.
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36 Level 4: The Board
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38 Upon written appeal of a complaint alleging a violation the individual’s rights under state or
39 federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board
40 may consider the Superintendent’s decision in Level 2 or 3.

41 Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the
42 agenda of a regular or special Board meeting; or (2) appoint an appeals panel of not less than
43 three (3) trustees to hear the appeal and make a recommendation to the Board, or (3) respond to
44 the complaint with an explanation of why the appeal will not be heard by the Board of Trustees

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

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8 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
9 Title II of the Americans with Disabilities Act of 1990
10 § 504 of the Rehabilitation Act of 1973

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12 Policy History:
13 Adoption on: February 2007
14 Revised on: April 21, 2009

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16 *Note: Lines 20-24 (page 1) were added to allow the Superintendent to higher an independent*
17 *investigator if needed.*