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3 **THE BOARD OF TRUSTEES**

1700

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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 This grievance procedure shall be made available on the District's website and the location of
14 which shall be included in all handbooks issued by the District.

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16 The District requests individuals to use this complaint procedure to resolve concerns within the
17 District when an individual believes the Board or its employees or agents have violated the
18 individual's rights under state or federal law or Board policy. Complaints against a building
19 administrator shall be filed with the Superintendent. Complaints against the Superintendent or
20 District administrator shall be filed with the Board. Attempts to bypass this Uniform Complaint
21 Procedure at any of its Levels shall be redirected by District officials at the appropriate Level.

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

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

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33 Level 1: Informal

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35 An individual with a complaint should first attempt discuss it with the appropriate employee or
36 building administrator with the objective of resolving the matter promptly and informally in
37 accordance with requirements of Policy 2158. If such resolution is not possible, the individual
38 may choose to file a formal written complaint in accordance with specifications at Level 2. An
39 exception to attempts at informal resolution is that a complaint of sexual harassment should be
40 discussed directly with an administrator not involved in the alleged harassment.

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42 Level 2: Building Administrator

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44 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
45 and dated written complaint stating: (1) the nature of the complaint, including the complaining
46 individual's position to assert legal rights; (2) a description of the event or incident giving rise to

1 the complaint, including any school personnel involved; and (3) the remedy or resolution
2 requested. The written complaint must be filed within thirty (30) calendar days of the event or
3 incident or from the date an individual could reasonably become aware of such event or incident.
4 The applicability of the deadline is subject to review by the Superintendent to ensure the intent of
5 this uniform complaint procedure is honored.

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

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11 If the complainant has reason to believe the administrator's decision was made in error, the
12 complainant may request, in writing, that the Superintendent review the
13 administrator's decision. (See Level 3.) This request must be submitted to the Superintendent
14 within fifteen (15) calendar days of the administrator's decision.

15
16 When a complaint alleges sexual harassment or a violation of Title IX of the Education
17 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
18 1990, or Section 504 of the Rehabilitation Act of 1973, the Administrator shall turn the
19 complaint over to the applicable District nondiscrimination coordinator. The coordinator shall
20 ensure an investigation is completed in accordance with the applicable procedure. In the case of
21 a sexual harassment or Title IX complaint the applicable investigation and appeal procedure is
22 Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an
23 investigation and file a report and recommendation with the Administrator for decision. Appeal
24 of a decision in a disability complaint will be handled in accordance with this policy.

25 26 Level 3: Superintendent

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28 If the complainant appeals the administrator's decision provided for in Level 2, the
29 Superintendent will review the complaint and the administrator's decision. The Superintendent
30 will respond in writing to the appeal, within thirty (30) calendar days of the Superintendent's
31 receipt of the written appeal. In responding to the appeal, the Superintendent may: (1) meet with
32 the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3)
33 engage an outside investigator or other District employees to assist with the appeal; and/or (4)
34 take other steps appropriate or helpful in resolving the complaint.

35
36 If the complainant has reason to believe the Superintendent's decision was made in error, the
37 complainant may request, in writing, that the Board consider an appeal of the Superintendent's
38 decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within
39 fifteen (15) calendar days of the Superintendent's written response to the complaint, for
40 transmission to the Board.

41 42 Level 4: The Board

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44 Upon written appeal of a complaint alleging a violation the individual's rights under state or
45 federal law or Board policy upon which the Board of Trustees has authority to remedy, the Board
46 may consider the Superintendent's decision in Level 2 or 3. Upon receipt of written request for

1 appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board
2 meeting, (2) appoint an appeals panel of not less than three trustees to hear the appeal and make
3 a recommendation to the Board, or (3) respond to the complaint with an explanation of why the
4 appeal will not be heard by the Board of Trustees in accordance with this policy. If the Chair
5 appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make
6 written recommendation to the full Board. The Board will report its decision on the appeal, in
7 writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board
8 considered the appeal or the recommendation of the panel. A decision of the Board is final,
9 unless it is appealed pursuant to Montana law within the period provided by law.

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11 Cross Reference: 3210 - Equal Educational Opportunity and Nondiscrimination
12 5010 - Equal Employment Opportunity and Nondiscrimination
13 3225-3225P – Sexual Harassment of Students
14 5012-5012P – Sexual Harassment of Employees
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16 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
17 Title II of the Americans with Disabilities Act of 1990
18 § 504 of the Rehabilitation Act of 1973
19 20-3-323, MCA District policy and record of acts.
20 Chapter 305 (2023) Require trustees to adopt a grievance policy
21

22 Policy History:

23 Adoption on:

24 Revised on:

25 Revised on: