

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
20 hereunder will not be impaired by a person’s pursuit of other remedies. Use of this complaint
21 procedure is not a prerequisite to pursuit of other remedies, and use of this complaint procedure
22 does not extend any filing deadline related to pursuit of other remedies.

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

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31 Level 1: Informal

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

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38 Level 2: Building Administrator/Principal

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

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4 When a complaint alleges violation of Board policy or procedure, the building
5 administrator/Principal will investigate and attempt to resolve the complaint. The
6 administrator/Principal will respond in writing to the complaint, within thirty (30) calendar days
7 of the administrator's/Principal's receipt of the complaint.
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9 If either the complainant or the person against whom the complaint is filed is dissatisfied with
10 the administrator's/Principal's decision, either may request, in writing, that the Board review the
11 administrator's/Principal's decision. (See Level 3.) This request must be submitted to the Board
12 within fifteen (15) calendar days of the administrator's/Principal's decision.
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14 When a complaint alleges sexual harassment or a violation of Title IX of the Education
15 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
16 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator/Principal may
17 turn the complaint over to a District nondiscrimination coordinator. The coordinator will
18 complete an investigation and file a report and recommendation with the administrator/Principal.
19 The Principal may hire an independent investigator to conduct the investigation. Within fifteen
20 (15) calendar days of the administrator/Principal's receipt of the coordinator's report and
21 recommendation, the administrator/Principal will respond to the complaint and take such
22 administrative steps as the administrator/Principal deems appropriate and necessary. If either the
23 complainant or the person against whom the complaint is filed is dissatisfied with the
24 administrator/Principal's decision, either may request, in writing, that the Board consider an
25 appeal of the administrator/Principal's decision. (See Level 3.) This request must be submitted
26 in writing to the Board, within fifteen (15) calendar days of the administrator/Principal's written
27 response to the complaint, for transmission to the Board.
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29 Level 3: The Board

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31 Upon written appeal, the Board will consider the administrator/Principal's decision in Level 2.
32 Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the
33 agenda of a regular or special Board meeting; or (2) appoint an appeals panel of not less than
34 three (3) trustees to hear the appeal and make a recommendation to the Board. If the Chair
35 appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make
36 written recommendation to the full Board. The Board will report its decision on the appeal, in
37 writing, to all parties, within thirty (30) calendar days of the Board meeting at which the Board
38 considered the appeal or the recommendation of the panel. A decision of the Board is final,
39 unless it is appealed pursuant to Montana law within the period provided by law.
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41 Level 4: County Superintendent

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43 When a matter falls within the jurisdiction of a county superintendent of schools, the decision of
44 the Board may be appealed to the county superintendent by filing written appeal within thirty
45 (30) calendar days of the Board's decision, pursuant to Montana law.
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Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
Title II of the Americans with Disabilities Act of 1990
§ 504 of the Rehabilitation Act of 1973

Policy History:

Adopted on: 11/19/08
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