

SCHOOL DISTRICT ORGANIZATION

Uniform Grievance Procedure

Students, parents, employees, or community members may file a complaint in accordance with this grievance procedure, if they believe that the District, its employees or agents have violated their rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy. These procedures do not apply to complaints for discrimination on the basis of sex (including sexual harassment) under Title IX of the Education Amendments of 1972, or disability under Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act. Separate procedures apply for complaints arising from these laws. District employees who file a grievance through their union grievance procedure surrender their right to file a grievance through this Uniform Grievance Procedure.

District officials will endeavor to respond to and resolve all complaints without the need to resort to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. Use of this grievance procedure is not a prerequisite to the pursuit of other remedies and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies.

Filing a Complaint

The Complainant may file a complaint with any District Administrator, Principal or Supervisor within 60 days of the occurrence giving rise to the complaint. If a Complainant is not sure of the appropriate person with whom to file a complaint, he/she may ask for assistance from the Superintendent in identifying the appropriate Administrator, Principal or Supervisor. If the complaint contains allegations against the Superintendent, the Complainant may ask for assistance from the Board Chair in identifying the appropriate manner in which to file a complaint. Any individual receiving a complaint may request the Complainant to provide a written statement regarding the nature of the complaint.

Investigation

Within 15 calendar days of the date the complaint was filed, the individual receiving the complaint will initiate an investigation into the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The complaint or identity of the Complainant will not be disclosed except (1) as required by law or this policy; (2) as necessary to fully investigate the complaint; or (3) as authorized by the Complainant. The Administrator, Principal or

Supervisor shall issue a written decision at the completion of the investigation. If the complaint contains allegations involving the Administrator, Principal or the Supervisor, the Superintendent shall address the complaint in writing. If the complaint contains allegations involving the Superintendent, the Board shall address the complaint in writing.

Decision and Appeal

Within 7 calendar days of receipt of the written decision, a District official shall notify the Complainant of the investigator's determination regarding the complaint. If the Complainant is not satisfied with the determination of the investigator, the Complainant may appeal the decision to the Superintendent, or the Board if appealing a decision regarding the Superintendent, by making a written request to the Superintendent or Board Chair.

The Superintendent shall review the determination of the investigator and respond to the Complainant within 7 calendar days. If the Complainant is not satisfied with the determination of the Superintendent, the matter may be appealed to the Board if the Complainant is alleging a violation of Board policy, or state or federal law. Within 30 calendar days, the Board shall meet to affirm, reverse, or amend the decision or direct the gathering of additional information. This meeting shall not be a de novo hearing, but a review of the written decision in the matter. Within 7 calendar days, the Complainant shall be informed of the Board's decision by mail. The Complainant may appeal the Board's decision to the Lewis and Clark County Superintendent as provided by law.

Legal Reference: § 20-3-210, MCA Controversy appeals and hearings

Cross Reference:

Policy History:

Date Adopted: 2.8.2011

Date Amended: 9.13.2016