

## School District Organization

Uniform Complaint Procedure

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

The District will endeavor to respond to and resolve complaints without resorting to this formal complaint procedure and, when a complaint is filed, to address the complaint as outlined in this policy. The right of a person to prompt and equitable resolution of a complaint filed hereunder will not be impaired by a person's pursuit of other remedies. Use of this complaint procedure is not a prerequisite to pursue other remedies and use of this complaint procedure does not extend any filing deadline related to pursuit of other remedies.

The District requires that all individuals use this complaint procedure when the individual believes the Board or its employees or agents have violated the individual's rights under state or federal law or Board policy. Complaints against a building administrator shall be filed with the appropriate Assistant Superintendent. Complaints against a District level administrator shall be filed with the Superintendent. Complaints against the Superintendent or Clerk shall be filed with the Board.

When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator shall turn the complaint over to the applicable District nondiscrimination coordinator. The coordinator shall ensure an investigation is completed in accordance with the applicable procedure. In the case of a sexual harassment or a Title IX complaint the applicable investigation and appeal procedure is Policy 3000 or 5005. In the case of a disability complaint, the coordinator shall complete an investigation and file a report and recommendation with the building administrator for decision. Appeal of a decision in a disability complaint will be handled in accordance with this policy.

Deadlines requiring District action in this procedure may be extended for reasons related but not limited to the District's retention of legal counsel and District investigatory procedures. Additional timelines may be waived with the agreement of both parties.

*Retaliation*

Any individual participating in an investigation or proceeding under this policy shall notify the appropriate building or district administrator if that person believes that he or she is being retaliated against for participating in the investigation or proceeding. The District prohibits retaliation against individuals making complaints and/or participating in any investigation that may ensue under this policy. The District may discipline students or staff

members determined to have retaliated against any individual for participating in an investigation or proceeding under this policy.

*Level 1: Informal*

An individual with a complaint should discuss it with the appropriate employee or building administrator with the objective of resolving the matter promptly and informally. If the complaint can't be resolved within (thirty) 30 school days of the completion of the informal process, then the complainant may file a written complaint as outlined in Level 2. An exception is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.

*Level 2: Building Administrator*

When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event or incident giving rise to the complaint, including any school personnel involved; and (3) the remedy or resolution requested. The written complaint must be filed within thirty) 30 school days of the event or incident or completion of the informal resolution process.

When a complaint alleges a violation of Board policy or procedure, the building administrator or supervisor will investigate and attempt to resolve the complaint. The administrator or supervisor will respond in writing to the complaint, within fifteen (15) school days of receipt of the written complaint.

If the complainant disagrees with the findings of the administrator or supervisor the complainant may request, in writing, that the appropriate Assistant Superintendent review the administrator's or supervisor's decision. (See Level 3.) This request must be submitted to the appropriate Assistant Superintendent within fifteen (15) school days of receipt of the administrator's or supervisor's decision.

*Level 3: Assistant Superintendent*

If the complainant appeals the administrator's or supervisor's decision provided for in Level 2, the Assistant Superintendent will review the complaint, any relevant documents and the administrator's or supervisor's decision. The Assistant Superintendent will respond in writing to the appeal, within fifteen (15) school days of the Assistant Superintendent's receipt of the written appeal.

If the complainant disagrees with the findings of the Assistant Superintendent the complainant may request, in writing, that the Superintendent consider an appeal of the Assistant Superintendent's decision. (See Level 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) school days of the Assistant Superintendent's written response to the complaint.

*Level 4: Superintendent*

If the complainant appeals the Assistant Superintendent's decision provided for in Level 3, the Superintendent will review the complaint and the Assistant Superintendent's decision. The Superintendent will respond in writing to the appeal, within fifteen (15) school days of the Superintendent's receipt of the written appeal.

If the complainant disagrees with the findings of the Superintendent, the complainant may request, in writing, that the Board consider an appeal of the Superintendent's decision. (See Level 5) This request must be submitted in writing to the Superintendent, within fifteen (15) school days of the Superintendent's written response to the complaint, for transmission to the Board.

#### *Level 5: The Board*

Upon written appeal of a complaint alleging a violation of the individual's rights under state or federal law or Board policy upon which the Board of Trustees has the authority to remedy, the Board may consider the decisions made in Level 2, 3 and 4. Upon receipt of written request for appeal, the Chair will either; place the appeal on the agenda of a regular or special Board meeting or respond to the complaint with an explanation of why the appeal will not be heard by the Board of Trustees in accordance with this policy. The Board will report its decision on the appeal, in writing, within thirty (30) school days of the Board meeting at which the Board considered the appeal or the recommendation of the panel.

A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

An individual may obtain a written copy of this policy by requesting one through the Superintendent. This policy is available on the District's website.

Cross Reference: 3000 - Equal Educational Opportunities  
5000 - Equal Employment Opportunity and Non-Discrimination  
5005 – Sexual Harassment

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  
34 C.F.R. Part 106 Nondiscrimination on the Basis of Sex in Education  
§ 20-3-323, MCA District policy and record of acts (*revised by House Bill 504*)

#### Policy History:

Adopted on: 2.08.2011  
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Reviewed on: