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6 Uniform Complaint Procedure

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

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

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

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

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29 Level 1: Informal

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

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36 Level 2: Building Administrator

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

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4 When a complaint alleges violation of Board policy or procedure, the building administrator will
5 investigate and attempt to resolve the complaint. The administrator will respond in writing to the
6 complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.
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8 If the complainant has reason to believe the administrator's decision was made in error, the complainant
9 may request, in writing, that the Superintendent review the administrator's decision. (See Level 3.) This
10 request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator's
11 decision.
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13 In the case of a sexual harassment or Title IX complaint the applicable investigation and appeal procedure
14 is Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an
15 investigation and file a report and recommendation with the Administrator for decision. Appeal of a
16 decision in a disability complaint will be handled in accordance with this policy.
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18 Level 3: Superintendent

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20 If the complainant appeals the administrator's decision provided for in Level 2, the Superintendent will
21 review the complaint and the administrator's decision. The Superintendent will respond in writing to the
22 appeal, within thirty (30) calendar days of the Superintendent's receipt of the written appeal. In
23 responding to the appeal, the Superintendent may: (1) meet with the parties involved in the complaint; (2)
24 conduct a separate or supplementary investigation; (3) engage an outside investigator or other District
25 employees to assist with the appeal; and/or (4) take other steps appropriate or helpful in resolving the
26 complaint.
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28 If the complainant has reason to believe the Superintendent's decision was made in error, the complainant
29 may request, in writing, that the Board consider an appeal of the Superintendent's decision. (See Level
30 4.) This request must be submitted in writing to the Superintendent, within fifteen (15) calendar days of
31 the Superintendent's written response to the complaint, for transmission to the Board.
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33 Level 4: The Board

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35 Upon written appeal of a complaint alleging a violation the individual's rights under state or federal law
36 or Board policy upon which the Board of Trustees has authority to remedy, the Board may consider the
37 Superintendent's decision in Level 2 or 3. Upon receipt of written request for appeal, the Chair will
38 either: (1) place the appeal on the agenda of a regular or special Board meeting, (2) appoint an appeals
39 panel of not less than three trustees to hear the appeal and make a recommendation to the Board, or (3)
40 respond to the complaint with an explanation of why the appeal will not be heard by the Board of
41 Trustees in accordance with this policy. If the Chair appoints a panel to consider the appeal, the panel
42 will meet to consider the appeal and then make written recommendation to the full Board. The Board will
43 report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the Board
44 meeting at which the Board considered the appeal or the recommendation of the panel. A decision of the
45 Board is final, unless it is appealed pursuant to Montana law within the period provided by law.
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Cross Reference: 3210 - Equal Educational Opportunity and Nondiscrimination
5010 - Equal Employment Opportunity and Nondiscrimination
3225-3225P – Sexual Harassment of Students
5012-5012P – Sexual Harassment of Employees

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:

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