

Policy 1700: Uniform Complaint Procedure

Status: ADOPTED

Original Adopted Date: 08/15/2012 | **Last Revised Date:** 07/26/2023 | **Last Reviewed Date:** 07/26/2023

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 collective bargaining agreement. Matters covered by a collective bargaining agreement will be reviewed in accordance with the terms of the applicable agreement.

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

The District requests individuals to use this complaint procedure to resolve concerns within the District when an individual believes the Board or its employees or agents have violated the individual's rights under state or federal law or Board policy. Attempts to bypass this Uniform Complaint Procedure at any of its Levels shall be redirected by District officials at the appropriate Level.

The District will seek to respond to and resolve complaints without resorting to this formal complaint procedure and, when a complaint is filed, to address the complaint promptly and equitably. 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.

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.

Level 1: Informal

An individual with a complaint should first attempt discuss it with the appropriate employee or building administrator with the objective of resolving the matter promptly and informally in accordance with requirements of Policy 2158. If such resolution is not possible, the individual may choose to file a formal written complaint in accordance with the policy. An exception to attempts at informal resolution is that a complaint of sexual harassment should be discussed directly with Head Teacher if not involved in the alleged harassment.

Level 2: Head Teacher

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, including the complaining individual's position to assert legal rights; (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) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident. The applicability of the deadline is subject to review by the Superintendent to ensure the intent of this uniform complaint procedure is honored.

When a complaint alleges violation of Board policy or procedure, the Head Teacher will investigate and attempt to resolve the complaint. The Head Teacher will respond in writing to the complaint, within thirty (30) days of the receipt of the written complaint. In responding to the complaint, the Head Teacher may: (1) meet with the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3) engage an outside investigator or other District employees to assist with the investigation; and/or (4) take other steps appropriate or helpful in resolving the complaint.

If either the complainant or the person against whom the complaint is filed is dissatisfied with the Head Teacher's decision, either may request, in writing, that the Board consider an appeal of the Head Teacher's decision. (See Level 3.) This request must be submitted in writing to the Head Teacher, within fifteen (15) days of the Head Teacher's written response to the complaint, for transmission to 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 Head Teacher 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 Title IX complaint the applicable investigation and appeal procedure is Policy 3225P or 5012P. In the case of a disability complaint, the coordinator shall complete an investigation and file a report and recommendation with the Board Chairperson for decision. Appeal of a decision in a disability complaint will be handled in accordance with this policy.

Level 3: The Board

Upon written appeal, the Board will consider the Head Teacher's decision. Upon receipt of written request for appeal, the Chair will place the appeal on the agenda of a regular or special Board meeting. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) days of the Board meeting at which the Board considered the appeal. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

Level 4: County Superintendent

When a matter falls within the jurisdiction of a county superintendent of schools, the decision of the Board may be appealed to the county superintendent by filing written appeal within thirty (30) calendar days of the Board's decision, pursuant to Montana law.

Administrative Rules of Montana References

10.55.701

Description

Board of Trustees

Title 10 Chapter 6

Rules of Procedure for All School Controversy Contested Cases Before the County Superintendent

Montana Code Annotated References

20-3-210

Description

Controversy appeals and hearings

20-3-323

Require trustees to adopt a grievance policy

United States Code References

20 U.S.C. 1681, et seq.

Description

Title IX of the Education Amendments of 1972

29 USC 701, et seq

Section 504 of the Rehabilitation Act

42 USC 12101, et seq.

Title II of the Americans with Disabilities Act of 1990

United States Constitution References

First Amendment

Description

Right to petition the Government for a redress of grievances

Cross References

1400

Description

[Board Meetings](#)

1420

[School Board Meeting Procedure](#)

1420-NF(1)

[School Board Meeting Procedure - Notice Regarding Public Comment](#)

2158

[Parent and Family Engagement and Educational Involvement](#)

2309

[Library Program and Materials](#)

2310

[Selection of Library Materials](#)

2311

[Instructional Materials](#)

Cross References

2311-P(1)

2314

2330

3125

3125-NF(1)

3210

3225

3225-NF(1)

3226

4310

4316

5002

5010

5240

Description[Instructional Materials - Selection, Adoption, and Removal of Textbooks and Instructional Materials](#)[Instructional and Library Materials Review](#)[Controversial Issues and Academic Freedom](#)[Education of Homeless Children](#)[Education of Homeless Children - McKinney-Vento Homeless Assistance Dispute Resolution Form](#)[Equal Educational Opportunity, Nondiscrimination and Sex Equity](#)[Sexual Harassment of Students](#)[Sexual Harassment of Students - Harassment Reporting Form for Students](#)[Bullying/Harassment/Intimidation/Hazing](#)[Public Complaints and Suggestions](#)[Accommodating Individuals With Disabilities](#)[Accommodating Individuals With Disabilities](#)[Equal Employment Opportunity, Nondiscrimination, and Sex Equity](#)[Resolution of Staff Complaints](#)