

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 involving challenges to educational material, those governed by a specified procedure in state or federal law that supersedes this grievance process, and those governed by a collective bargaining agreement.

All individuals should 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 Constitution, State or Federal statutes, or (3) Board policy.

When a complaint alleges sexual harassment as a violation of Title IX of the Education Amendments of 1972 (the Civil Rights Act), or a violation of Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator will turn the complaint over to the Title IX Coordinator or a District nondiscrimination coordinator. The coordinator will follow the District's Title IX or Section 504 Grievance Process.

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 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 pursuit of other remedies, and use of this complaint procedure does not extend any filing deadline related to pursuit of other remedies.

The Superintendent has the authority to contract with an investigator at any time during the complaint procedure process. Within fifteen (15) calendar days of the Superintendent's receipt of the independent investigator's report and recommendation, the Superintendent will respond to the complaint and take such administrative steps as the Superintendent deems appropriate and necessary.

If a complainant is unsure where to begin the complaint process, the individual may ask for assistance from a principal or other administrator to identify the appropriate course of action.

Complaints against non-administrators (i.e. those other than principals, directors, or the Superintendent).

Level 1: Informal

An individual with a complaint should discuss it with the appropriate teacher, counselor, or building administrator, with the objective of resolving the matter promptly and informally. In the event that resolution is not achieved, the individual may file a written complaint within thirty (30) days of completion of the informal resolution process.

Level 2: Principal

When a complaint has not been or cannot be resolved at Level 1, an individual may file a formal, signed, and dated written complaint stating: (1) the nature of the complaint, and (2) the remedy or resolution requested. This 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 or completion of the informal resolution process.

When a complaint alleges violation of Board policy or procedure, the principal will investigate and attempt to resolve the complaint. The principal will respond in writing to the complaint within thirty (30) calendar days of the principal's receipt of the complaint.

If either the complainant or the person against whom the complaint is filed is dissatisfied with the principal's decision, either may request, in writing, that the Superintendent review the principal's decision. (See Level 3.) This request must be submitted to the Superintendent within fifteen (15) calendar days of the administrator's decision.

Level 3: Superintendent

The Superintendent will review the complaint and the administrator's decision. The Superintendent will respond in writing to the request for review within thirty (30) calendar days of the Superintendent's receipt of the request for review. In responding to the request for review, the Superintendent may: (1) meet with the parties involved in the complaint; (2) conduct a separate or supplementary investigation; (3) engage an investigator or other District employees to assist with the appeal; and/or (4) take other steps appropriate or helpful in resolving the complaint.

If either party is dissatisfied with the Superintendent's decision, the Board of Trustees may be the next avenue for appeal. The Board is the policy-making body of the District and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy. (See Level 4.) This request must be submitted in writing to the Board via the

Superintendent or Clerk, within fifteen (15) calendar days of the Superintendent's written response to the complaint, for transmission to the Board. If the complaint does not fall within the jurisdiction of the Board by alleging a failure to follow Board policy, the Superintendent's decision is final.

Level 4: The Board

Upon timely receipt of written appeal, and assuming the appeal alleges a failure to follow Board policy, the Board will consider the Superintendent's decision during a regular or special Board meeting within thirty (30) calendar days. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar 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 5: County Superintendent

If the matter falls within the jurisdiction of the 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 the Rules of School Controversy and Montana law.

Complaints against Principals or director-level staff:

Level 1: Informal

The District expects an individual with a complaint to first discuss the matter with the principal or director-level staff involved, with the objective of resolving the matter promptly and informally.

Level 2: Superintendent

When a complaint has not been or cannot be resolved at Level 1, an individual may file a formal, written complaint stating: (1) the nature of the complaint, and (2) the remedy or resolution requested. This written complaint must be signed and dated, and filed within thirty (30) calendar days of the alleged violation of the individual's rights guaranteed by the State or Federal Constitution, State or Federal statutes, or Board policy, or from the date the individual could reasonably become aware of such event or incident or completion of the informal resolution process.

If the complaint alleges a violation of Board policy or procedure, the Superintendent will investigate and attempt to resolve the complaint. The Superintendent will respond to the complaint in writing, within thirty (30) calendar days of the receipt of the complaint.

If either party is not satisfied with the decision of the Superintendent, the Board may be the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) days of receiving the Superintendent's decision. The Board is the policy-making body of the school, however, and appeals to that level must be based solely on whether or not policy has been followed. Any individual appealing a decision of the Superintendent to the Board bears the burden of proving a failure to follow Board policy. If the complaint does not fall within the jurisdiction of the Board by alleging a failure to follow Board policy, the Superintendent's decision is final.

Level 3: The Board

Upon timely receipt of written appeal, and assuming the appeal alleges a failure to follow Board policy, the Board will consider the Superintendent's decision at a regular or special Board meeting within thirty (30) calendar days. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30) calendar 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

If the 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 the Rules of School Controversy and Montana law.

Complaints against the Superintendent

Level 1: Informal

An individual with a complaint is expected to first discuss the matter with the Superintendent, with the objective of resolving the matter promptly and informally.

Level 2: The Board

If a complaint against the Superintendent is not resolved at Level 1, the complainant may ask for assistance from the Board Chair to identify the appropriate manner in which to file a complaint. The complainant may file a formal written complaint with the Board stating: 1) the nature of the complaint and, 2) the remedy requested. It must be signed and dated by the complainant. This written complaint must be signed and dated, and filed within thirty (30) calendar days of the alleged violation of the individual's rights guaranteed by the State or Federal Constitution, State or Federal statutes, or Board policy, or from the date the individual could reasonably become aware of such event or incident or completion of the informal resolution process.

If the complaint alleges a violation of Board policy or procedure, the Board shall place the matter on the agenda for a regular or special Board meeting within 30 days. At that meeting, the Board may appoint an outside investigator and/or attempt to resolve the complaint. If the Board appoints an outside investigator, the Board shall place the matter on the agenda for consideration during its next regularly scheduled meeting after the investigation has concluded. The Board will make a decision and report its decision in writing, to all parties, within thirty (30) calendar days of said meeting. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period provided by law.

Level 3: County Superintendent

If the 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 the Rules of School Controversy and Montana law.

Retaliation

Any individual participating in an investigation or proceeding under this policy shall notify the appropriate principal or Superintendent 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 under this policy and/or participating in any investigation that may ensue. 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.

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

Cross References: Title IX Grievance Procedure
 Section 504 Grievance Procedure
 Board Policy 2158

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: 4/9/09

Reviewed on:

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