

Uniform Grievance Procedure

The Board establishes this Uniform Complaint Procedure as a means to address complaints arising within the District. This Uniform Grievance 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 grievance procedure if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal Constitution, State or federal statute, or Board policy.

The District will endeavor to respond to and resolve complaints without resorting to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies. 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.

If a grievant is not sure of the appropriate person with whom to file a complaint, he/she may ask for assistance from the building principal or other administrator in identifying the appropriate individual.

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 teacher, counselor, or staff member involved, 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. An exception is that a complaint of sexual harassment should be discussed directly with an administrator not involved in the alleged harassment.

Level 2: Principal

If the complaint is not resolved at Level 1, the grievant may file a formal written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the principal within thirty (30) calendar days of the alleged violation of his or her rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy, or from the date the grievant could reasonably become aware of such occurrence or **completion of the informal resolution process.**

If the complaint alleges a violation of Board policy or procedure, the principal shall investigate and attempt to resolve the complaint. The principal shall address the grievance in writing. If either party is not satisfied with the principal's decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the principal's decision. This request must be submitted to the Superintendent within fifteen (15) days of the principal's decision.

Level 3: Superintendent

Upon receipt of the request for review, the Superintendent or designee shall schedule a meeting between the parties and the principal. The parties shall be afforded the opportunity to either dispute or concur with the principal's findings. The Superintendent or designee shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent or designee agrees with the recommendation of the principal, the recommendation will be implemented. If the Superintendent or designee rejects the recommendation of the principal, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent or designee.

If either party is not satisfied with the decision of the Superintendent or designee, the Board is the next avenue for appeal. A written appeal must be submitted to the Board within fifteen (15) days of receiving the Superintendent's or designee'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 or designee to the Board bears the burden of proving a failure to follow Board policy.

Level 4: The Board

Upon receipt of a written appeal of the decision of the Superintendent or designee, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

Level 5: County Superintendent

If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

Complaints against Principals:

Level 1: Informal

An individual with a complaint is encouraged to first discuss it with the principal involved, with the objective of resolving the matter promptly and informally.

Level 2: Assistant Superintendent

If the complaint is not resolved at Level 1, the grievant may file a formal written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Assistant Superintendent within thirty (30) calendar days of the alleged violation of his or her rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy, or from the date the grievant could reasonably become aware of such occurrence or completion of the informal resolution process.

If the complaint alleges a violation of Board policy or procedure, the Assistant Superintendent shall investigate and attempt to resolve the complaint. The Assistant Superintendent shall address the grievance in writing. If either party is not satisfied with the Assistant Superintendent's decision, the grievance may be advanced to Level 3 by requesting in writing that the Superintendent review the Assistant Superintendent's decision. This request must be submitted to the Superintendent within fifteen (15) days of the Assistant Superintendent's decision.

Level 3: Superintendent

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the Assistant Superintendent. The parties shall be afforded the opportunity to either dispute or concur with the Assistant Superintendent's findings. The Superintendent shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the Assistant Superintendent, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Assistant Superintendent, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

If either party is not satisfied with the decision of the Superintendent, the Board is 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.

Level 4: The Board

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

Level 5: County Superintendent

If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

Complaints against Assistant Superintendents:

Level 1: Informal

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

Level 2: Superintendent

If the complaint is not resolved at Level 1, the grievant may file a formal written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the Superintendent within thirty (30) calendar days of the alleged violation of his or her rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy, or from the date the grievant could reasonably become aware of such occurrence or completion of the informal resolution process.

If the complaint alleges a violation of Board policy or procedure, the Superintendent shall investigate and attempt to resolve the complaint. The Superintendent shall address the grievance in writing. If either party is not satisfied with the Superintendent's decision, the grievance may be advanced to Level 3 by requesting in writing that the Board review the Superintendent's decision. 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.

Level 3: The Board

Upon receipt of a written appeal of the decision of the Superintendent, and assuming the appeal alleges a failure to follow Board policy, the matter shall be placed on the agenda of the Board for consideration not later than their next regularly scheduled meeting. A decision shall be made and reported in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

Level 4: County Superintendent

If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

Complaints against the Superintendent:

Level 1: Informal

An individual with a complaint is encouraged to first discuss it 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 grievant may ask for assistance from the Board Chair in identifying the appropriate manner in which to file a complaint. The grievant may file a formal written grievance with the Board stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The written grievance against the Superintendent must be filed within thirty (30) calendar days of the alleged violation of his or her rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy, or from the date the grievant could reasonably become aware of such occurrence 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 the next regularly scheduled meeting. 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 at the next regularly scheduled meeting after the investigation has concluded for consideration. The Board shall make a decision and address the grievance in writing to all parties within thirty (30) days of that meeting. The decision of the Board will be final, unless appealed within the period provided by law.

Level 3: County Superintendent

If the case falls within the jurisdiction of the County Superintendent of Schools, the decision of the Board may be appealed to the County Superintendent by filing a written appeal within thirty (30) days after the final decision of the Board, pursuant to the Rules of School Controversy.

Retaliation

Any individual participating in an investigation or proceeding under this policy shall notify the appropriate building administrator or Assistant Superintendent if that person believes that he or she is being retaliating against for participating in the investigation or proceeding. The District prohibits retaliation against individuals making complaints under this policy and 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.

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

Cross References:

- Title IX Grievance Procedure
- Section 504 Grievance Procedure
- Board Policy 2159

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*)

Procedure History:

Adopted on: November 11, 2003

Revised at PN&P committee on: September 26, 2012 and posted for public comment.

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