

Browning Public Schools

Policy #1700

Policy Name: *Uniform Complaint Procedure*

Regulation:-----

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 and those governed by a collective bargaining agreement.~~ 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.

~~The District requests all individuals to use this complaint procedure, when the individual believes the Board or its employees or agents have violated the individual's rights under: (1) Montana constitutional, statutory or administrative law; (2) United States constitutional, statutory or regulatory law; or (3) Board policy.~~ **The District requests all individuals to 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 Superintendent. Complaints against the Superintendent or District administrator shall be filed with the Board.**

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 an 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 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 is first encouraged to discuss it with the appropriate employee or building administrator, with the objective of resolving the matter promptly and informally. 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. This written complaint must be filed within fifteen (15) 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 building administrator will investigate and attempt to resolve the complaint. The administrator will respond in writing to the complaint, within fifteen (15) calendar days of the administrator's receipt of the complaint.

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2 If either the complainant or the person against whom the complaint is filed is dissatisfied with the
3 administrator's decision, ~~either~~ **has reason to believe the decision was made in error**, the complainant
4 may request, in writing, that the Superintendent review the administrator's decision. (See Level 3.) This
5 request must be submitted to the Superintendent within fifteen (15) days of the administrator's decision.
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7 When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of
8 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the
9 Rehabilitation Act of 1973, the Administrator ~~may~~ **shall** turn the complaint over to **the applicable**
10 District nondiscrimination coordinator. **The coordinator shall ensure an investigation is completed in**
11 **accordance with the applicable procedure. In the case of a sexual harassment or Title IX complaint**
12 **the applicable investigation and appeal procedure is Policy 3225P or 5012P. In the case of a**
13 **disability complaint**, the coordinator shall complete an investigation and file a report and
14 recommendation with the Administrator for decision. **Appeal of a decision in a disability complaint will**
15 **be handled in accordance with this policy.** ~~If the complainant is dissatisfied with the Administrator's~~
16 ~~decision on a~~, either may request, in writing, that the Board consider an appeal of the Administrator's
17 decision. (See Level 3.) ~~This request must be submitted in writing to the Board, within thirty (30)~~
18 ~~calendar days of the Administrator's written response to the complaint.~~
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20 **Level 3: Superintendent**

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

36 Upon written appeal of a complaint alleging a violation of the individual's rights under state or federal
37 law or board policy upon which the board has the authority to remedy, the Board may consider the
38 superintendent's decision in Level 2 or 3. Upon receipt of written request for appeal, the Chair will either:
39 1) place the appeal on the agenda of a regular or special Board meeting, or 2) appoint an appeals panel of
40 not less than three or 3) respond to the complaint with an explanation of why the appeal will not be heard
41 by the Board of Trustees in accordance with this policy. If the chair appoints a panel to consider the
42 appeal, the panel will meet to consider the appeal and then make written recommendation to the full
43 Board. The Board will report its decision on the appeal, in writing, to all parties, within thirty (30)
44 calendar days of the Board meeting at which the Board considered the appeal or the recommendation of
45 the panel. A decision of the Board is final, unless it is appealed pursuant to Montana law within the period
46 provided by law.
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48 **Level 5: County Superintendent**

49 ~~When a matter falls within the jurisdiction of a county superintendent of schools, the decision of the~~
50 ~~Board may be appealed to the county superintendent by filing written appeal within thirty (30) days of the~~
51 ~~Board's decision, pursuant to Montana law.~~
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54 **Legal Reference:** Title IX of the Education Amendments of 1972 (Civil Rights Act)

1 Title II of the Americans with Disabilities Act of 1990
2 § 504 of the Rehabilitation Act of 1973
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4 **Policy History:**

5 Adoption on: 5/30/07

6 Revised on: 3/26/14, 3/9/21