

## Lewistown School District

### PERSONNEL

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#### Uniform Complaint Procedure

All individuals should use this complaint 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 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 administrative law; (3) Board policy; (4) or request a review of services.

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 complaint procedure is not a prerequisite to the pursuit of other remedies, and use of this complaint procedure does not extend any filing deadline related to the pursuit of other remedies. **If this is a grievance that relates to an issue covered in a Collective Bargaining Agreement, the complainant must use the grievance procedure in the Collective Bargaining Agreement.**

#### Level 1: Informal

An individual with a complaint is encouraged to first discuss it with the teacher, counselor, or building administrator involved, with the objective of resolving the matter promptly and informally. An exception is that complaints of sexual harassment should be discussed with the first line administrator that is not involved in the alleged harassment.

#### Level 2: Principal

If the complaint is not resolved at Level 1, the complainant may file a written complaint stating: (1) the nature of the complaint and (2) a description of the event or incident giving rise to the complaint, including school personnel involved; and (3) the remedy requested. It must be signed and dated by the complainant. The Level 2 written complaint must be filed with the Principal within thirty (30) days of the event or incident or from the date the complainant could reasonably become aware of such occurrence.

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

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If either party is not satisfied with the Principal's decision, the complaint 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.

If the complaint alleges a violation of Title IX, Title II, Section 504 of the Rehabilitation Act, or sexual harassment, the Principal shall turn the complaint over to the Nondiscrimination Coordinator who shall investigate the complaint. The District has appointed Nondiscrimination Coordinators to assist in the handling of discrimination complaints. The Coordinator will complete the investigation and file the report with the Superintendent within thirty (30) days after receipt of the written complaint. The Coordinator may hire an outside investigator if necessary. If the Superintendent agrees with the recommendation of the Coordinator, the recommendation will be implemented. If the Superintendent rejects the recommendation of the Coordinator, and/or either party is not satisfied with the recommendations from Level 2, either party may make a written appeal within fifteen (15) days of receiving the report of the Coordinator to the Board for a hearing.

#### Level 3: Superintendent

If either the complainant or the person against who the complaint is filed appeals the Principal's decision provided for in Level 2, the Superintendent will review the complaint and the Principal's decision. The Superintendent will respond in writing to the appeal within thirty (30) days of the Superintendent's receipt of the written appeal. In responding to the appeal, the Superintendent may: (1) meet with the parties involved in the complaint; (2) conduct a second or supplementary investigation; (3) engage an outside 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 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 individual 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.

#### Policy History:

Adopted on: June 28, 2004

Revised on: November 12, 2012