

1 **Potomac Elementary**

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3 **THE BOARD OF TRUSTEES**

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5 Uniform Complaint Procedure

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7 The Board establishes this Uniform Complaint Procedure as a means to address complaints  
8 arising within the District. This Uniform Complaint Procedure is intended to be used for all  
9 complaints except those governed by a collective bargaining agreement.

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11 The District requests all individuals to use this complaint procedure, when the individual  
12 believes the Board or its employees or agents have violated the individual's rights under: (1)  
13 Montana constitutional, statutory, or administrative law; (2) United States constitutional,  
14 statutory, or regulatory law; or (3) Board policy.

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16 The District will endeavor to respond to and resolve complaints without resorting to this formal  
17 complaint procedure and, when a complaint is filed, to address the complaint promptly and  
18 equitably. The right of a person to prompt and equitable resolution of a complaint filed hereunder  
19 will not be impaired by a person's pursuit of other remedies. Use of this complaint procedure is  
20 not a prerequisite to pursuit of other remedies, and use of this complaint procedure does not  
21 extend any filing deadline related to pursuit of other remedies.

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

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28 Level 1: Informal

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30 An individual with a complaint is first encouraged to discuss it with the appropriate teacher or  
31 counselor, with the objective of resolving the matter promptly and informally. An exception is  
32 that a complaint of harassment should be discussed directly with the Principal.

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34 Level 2: Principal

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36 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed  
37 and dated written complaint stating: (1) the nature of the complaint; (2) a description of the event  
38 or incident giving rise to the complaint, including any school personnel involved; and (3) the  
39 remedy or resolution requested. This written complaint must be filed within thirty (30) days of  
40 the event or incident or from the date an individual could reasonably become aware of such event  
41 or incident.

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43 When a complaint alleges violation of Board policy or procedure, the Principal will investigate  
44 and attempt to resolve the complaint. The Principal will respond in writing to the

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4 complaint, within thirty (30) days of the Principal's receipt of the written complaint. In  
5 responding to the complaint, the Principal may: (1) meet with the parties involved in the  
6 complaint; (2) conduct a separate or supplementary investigation; (3) engage an outside  
7 investigator or other District employees to assist with the investigation; and/or (4) take other  
8 steps appropriate or helpful in resolving the complaint.  
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10 If either the complainant or the person against whom the complaint is filed is dissatisfied with  
11 the Principal's decision, either may request, in writing, that the Board consider an appeal of the  
12 Principal's decision. (See Level 3.) This request must be submitted in writing to the Principal,  
13 within fifteen (15) days of the Principal's written response to the complaint, for transmission to  
14 the Board.  
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16 When a complaint alleges sexual harassment or a violation of Title IX of the Education  
17 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of  
18 1990, or Section 504 of the Rehabilitation Act of 1973, the Principal may turn the complaint over  
19 to the District nondiscrimination coordinator. The coordinator will complete an investigation and  
20 file a report and recommendation with the Principal, within thirty (30) days of the  
21 nondiscrimination coordinator's receipt of the written complaint. The coordinator may hire an  
22 outside investigator to conduct the investigation. Within fifteen (15) days of the Principal's  
23 receipt of the coordinator's report and recommendation, the Principal will respond to the  
24 complaint and take such administrative steps as the Principal deems appropriate and necessary. If  
25 either the complainant or the person against whom the complaint is filed is dissatisfied with the  
26 Principal's decision, either may request, in writing, that the Board consider an appeal of the  
27 Principal's decision. (See Level 3.) This request must be submitted in writing to the Principal,  
28 within fifteen (15) days of the Principal's written response to the complaint, for transmission to  
29 the Board.  
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### 31 Level 3: The Board

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33 Upon written appeal, the Board will consider the Principal's decision. Upon receipt of written  
34 request for appeal, the Chairperson will either: (1) place the appeal on the agenda of a regular or  
35 special Board meeting; or (2) appoint an appeals panel of not less than three (3) trustees to hear  
36 the appeal and make a recommendation to the Board. If the Chairperson appoints a panel to  
37 consider the appeal, the panel will meet to consider the appeal and then make  
38 written recommendation to the full Board. The Board will report its decision on the appeal, in  
39 writing, to all parties, within thirty (30) days of the Board meeting at which the Board considered  
40 the appeal or the recommendation of the panel. A decision of the Board is final, unless it is  
41 appealed pursuant to Montana law within the period provided by law.  
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### 43 Level 4: County Superintendent

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When a 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) days of the Board’s decision, pursuant to Montana law.

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

Policy History:

Adopted on: October 11, 2010

Reviewed on:

Revised on: