

Sheridan Public Schools

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Reviewed on: 11/11/14
Revised on: 6/28/10

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BOARD OF TRUSTEES

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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 governed by a collective bargaining 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 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 independent 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.

Level 1: Informal

An individual with a complaint is first encouraged to discuss it with the appropriate teacher, counselor, 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 thirty (30) calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident.

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4 When a complaint alleges violation of Board policy or procedure, the building administrator will
5 investigate and attempt to resolve the complaint. The administrator will respond in writing to the
6 complaint, within thirty (30) calendar days of the administrator's receipt of the complaint.
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8 If either the complainant or the person against whom the complaint is filed is dissatisfied with
9 the administrator's decision, either may request, in writing, that the Superintendent review the
10 administrator's decision. (See Level 3.) This request must be submitted to the Superintendent
11 within fifteen (15) calendar days of the administrator's decision.
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13 When a complaint alleges sexual harassment or a violation of Title IX of the Education
14 Amendments of 1972 (the Civil Rights Act), Title II of the Americans with Disabilities Act of
15 1990, or Section 504 of the Rehabilitation Act of 1973, the building administrator may turn the
16 complaint over to a District nondiscrimination coordinator. The coordinator will complete an
17 investigation and file a report and recommendation with the Superintendent. A coordinator may
18 hire, with the approval of the Superintendent, an independent investigator to conduct the
19 investigation. Within fifteen (15) calendar days of the Superintendent's receipt of the
20 coordinator's or independent investigator's report and recommendation, the Superintendent will
21 respond to the complaint and take such administrative steps as the Superintendent deems
22 appropriate and necessary. If either the complainant or the person against whom the complaint is
23 filed is dissatisfied with the Superintendent's decision, either may request, in writing, that the
24 Board consider an appeal of the Superintendent's decision. (See Level 4.) This request must be
25 submitted in writing to the Superintendent, within fifteen (15) calendar days of the
26 Superintendent's written response to the complaint, for transmission to the Board.
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28 Level 3: Superintendent

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30 If either the complainant or the person against whom the complaint is filed appeals the
31 administrator's decision provided for in Level 2, the Superintendent will review the complaint
32 and the administrator's decision. The Superintendent will respond in writing to the appeal, within
33 thirty (30) calendar days of the Superintendent's receipt of the written appeal. In responding to
34 the appeal, the Superintendent may: (1) meet with the parties involved in the complaint; (2)
35 conduct a separate or supplementary investigation; (3) engage an outside investigator or other
36 District employees to assist with the appeal; and/or (4) take other steps appropriate or helpful in
37 resolving the complaint.
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39 If either the complainant or the person against whom the complaint is filed is dissatisfied with
40 the Superintendent's decision, either may request, in writing, that the Board consider an appeal
41 of the Superintendent's decision. (See Level 4.) This request must be submitted in writing to the
42 Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the
43 complaint, for transmission to the Board.
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Level 4: The Board

Upon written appeal, the Board will consider the Superintendent’s decision in Level 2 or 3. Upon receipt of written request for appeal, the Chair will either: (1) place the appeal on the agenda of a regular or special Board meeting; [*or (2) appoint an appeals panel of not less than three (3) trustees to hear the appeal and make a recommendation to the Board. If the Chair appoints a panel to consider the appeal, the panel will meet to consider the appeal and then make written recommendation to the full Board.*] 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 or the recommendation of the panel*]. 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

When a 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 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