

Gallatin Gateway Elementary

Adopted on: 08/20/12

Reviewed on:

1700 - R

BOARD OF TRUSTEES

Revised on: 10/20/14, 6/26/17

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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:

An individual with a complaint is encouraged to first discuss the complaint with the appropriate teacher, counselor or the Superintendent, with the objective of resolving the matter promptly and informally. An individual complaining of alleged sexual harassment is not required to attempt to resolve the matter informally with the alleged perpetrator of sexual harassment prior to reporting the alleged harassment.

If the complaint is not resolved at this level, the Complainant may proceed to Level 2 of this procedure and file a Uniform Complaint Form 1700F.

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3 Level 2:
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5 When a complaint has not been or cannot be resolved at Level 1, an individual may file a signed
6 and dated Uniform Complaint Form 1700F, stating: (1) the nature of the complaint (2) a
7 description of the event or incident giving rise to the complaint, including any school personnel
8 involved and (3) the remedy or resolution requested. This written complaint must be filed within
9 thirty (30) calendar days of the event or incident or from the date an individual could reasonably
10 become aware of such event or incident.

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12 When a complaint alleges violation of Board policy or procedure, the Superintendent will
13 investigate and attempt to resolve the complaint. The Superintendent will respond in writing to
14 the complaint, within thirty (30) calendar days of the Superintendent's receipt of the complaint.
15 In responding to the complaint, the Superintendent may: (1) meet with the parties involved in
16 the complaint (2) conduct a separate or supplementary investigation (3) engage an outside
17 investigator or other District employees to assist with the appeal and/or (4) take other steps
18 appropriate or helpful in resolving the complaint.

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20 If either the complainant or the person against whom the complaint is filed is dissatisfied with
21 the Superintendent's decision, either may request, in writing, that the Board consider an appeal
22 of the Superintendent's decision. (See Level 3.) This request must be submitted in writing to the
23 Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the
24 complaint, for transmission to the Board.

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26 When a complaint alleges sexual harassment or a violation of Title IX of the Education Amendments of 1972 (the
27 Civil Rights Act), Title II of the Americans with Disabilities Act of 1990, or Section 504 of the Rehabilitation Act of
28 1973, the Superintendent may turn the complaint over to a District nondiscrimination coordinator. The coordinator
29 will complete an investigation and file a report and recommendation with the Superintendent. Within fifteen (15)
30 calendar days of the Superintendent's receipt of the coordinator's or independent investigator's report and
31 recommendation, the Superintendent will respond to the complaint and take such administrative steps as the
32 Superintendent deems appropriate and necessary. If either the complainant or the person against whom the
33 complaint is filed is dissatisfied with the Superintendent's decision, either may request, in writing, that the Board
34 consider an appeal of the Superintendent's decision. (See Level 3.) This request must be submitted in writing to the
35 Superintendent, within fifteen (15) calendar days of the Superintendent's written response to the complaint, for
36 transmission to the Board.

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38 If the complaint alleges violations against the Superintendent, the complaint shall be filed with
39 the Board Chair using Uniform Complaint Form 1700F. The complaint will proceed to Level 3
40 of this procedure.

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42 Level 3:
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44 Upon receipt of written request for appeal of the Superintendent's decision in Level 2, the Board
45 Chair will place the appeal on the agenda of a regular or special Board meeting. The Board will
46 report its decision on the appeal, in writing, to all parties, within thirty (30) calendar days of the
47 Board meeting. A decision of the Board is final, unless it is appealed pursuant to Montana law
48 within the period provided by law.

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4 In the case the Board Chair receives a Uniform Complaint Form 1700F that contains allegations
5 involving the Superintendent, within fifteen (15) calendar days of the date the complaint was
6 filed, the Board Chair will call a special meeting of the Board, requesting the Complainant and
7 the Superintendent to be present, where the Board will decide on contracting with an
8 independent investigator. The complaint or identity of the Complainant will not be disclosed
9 except (1) as required by law or this policy, (2) as necessary to fully investigate the complaint, or
10 (3) as authorized by the Complainant. The investigator shall issue written findings at the
11 completion of the investigation. The Board will meet to deliberate on the findings from the
12 investigation and address the complaint in writing with their decision to the Complainant within
13 seven (7) calendar days of that meeting.
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15 Level 4

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17 When a matter falls within the jurisdiction of a county superintendent of schools, the decision of
18 the Board may be appealed to the county superintendent by filing written appeal within thirty
19 (30) calendar days of the Board's decision, pursuant to Montana law.
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21 Retaliation

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23 Any individual participating in an investigation or proceeding under this policy may notify the
24 Superintendent, or in the case the allegation involves the Superintendent, the Board, if they
25 believe they are being retaliated against for participating in the investigation or proceeding. The
26 District prohibits retaliation against individuals making complaints under this policy and
27 participating in any investigation that may ensue. The District may discipline students or staff
28 members determined to have retaliated against any individual for participating in an investigation
29 or proceeding under this policy.
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33 Legal Reference: Title IX of the Education Amendments of 1972 (Civil Rights Act)
34 Title II of the Americans with Disabilities Act of 1990
35 § 504 of the Rehabilitation Act of 1973
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