

Anaconda Public Schools
1410 West Park Street
Anaconda, MT 59711
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PUBLIC/EMPLOYEE COMPLAINT

I, _____ wish to file a written complaint against
_____ as follows:

1. Nature of the Complaint: _____

2. Description of Event/Incident: _____

3. Date of Event/Incident: _____

4. List any witnesses to above event/incident: _____

5. Remedy or Resolution Requested: _____

6. Was this matter discussed with the Principal? ___ No ___ Yes If yes, date: _____

Signature of Complainant: _____ **Contact #:** _____

Date: _____

Anaconda School District

PERSONNEL

Uniform Grievance Procedure

All individuals should use this grievance 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 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 grievance procedure is not a prerequisite to the pursuit of other remedies, and use of this grievance procedure does not extend any filing deadline related to the pursuit of other remedies. If the grievance 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 grievant may file a written grievance stating: 1) the nature of the grievance and 2) the remedy requested. It must be signed and dated by the grievant. The Level 2 written grievance must be filed with the principal within sixty (60) days of the event or incident or from the date the grievant 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. If either party is not satisfied with the principal's decision, the grievance 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 grievance. 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

Upon receipt of the request for review, the Superintendent shall schedule a meeting between the parties and the principal. The parties shall be afforded the opportunity to either dispute or concur with the principal's report. The Superintendent shall decide the matter within ten (10) days of the meeting and shall notify the parties in writing of the decision. If the Superintendent agrees with the recommendation of the principal, the recommendation will be implemented. If the Superintendent rejects the recommendation of the principal, the matter may either be referred to an outside investigator for further review or resolved by the Superintendent.

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.

Procedure History:

Promulgated on:

May 2004, After review by MTSBA legal services

Revised on:

ARTICLE IX - TEACHER PROTECTION

- A.** Complaints of parents and rules for processing: Parents shall be encouraged to have personal conferences with teachers, but in case of complaints, the parents should be reached through the principal. It is the principal's duty to inform the teacher of each complaint and to arrange a conference between the parent and teacher if considered desirable. If the complaint is not solved, it shall be referred to the Superintendent, signed and in writing by the Principal, the teacher, or by the parents. A copy of the written complaint will be sent to the teacher involved and to the President of the Anaconda Teachers' Union. The Superintendent shall not honor a parent's complaint until it has been processed according to the procedure outlined above.
- B.** Complaints to the Board of Trustees shall follow the procedure outlined in the above paragraph before being honored. In no event shall such a complaint be honored unless it is presented to the Board in writing. Whenever a teacher is to be called before the Board or its agents to answer a parent's complaint or for any reason prejudicial to the teacher's employment, the employee shall be entitled to have present a representative of the Union.
- C.** The employee shall be entitled to have a representative of the Union during any appearance before the Board or its agents concerning any matter which could adversely affect the employee's employment. The employee shall be given prior notice of the reason for such a meeting or interview.
- D.** No teacher shall be disciplined or dismissed under contract without just cause. No tenure teacher shall be non-renewed (terminated) without just cause. Nothing in this contract shall limit the Board's ability to non-renew (terminate) a non-tenured teacher without cause.