

**Resolution of Complaints/Grievances  
Regarding Harassment or Discrimination -  
Procedure**

A. COMPLAINT REPORTING PROCEDURES

Students or employees who believe they may have been harassed, intimidated, or discriminated against should contact a counselor, the Equity Coordinator of the District, or the first level supervisor who is not involved in the alleged harassment. Persons who feel they are being harassed or intimidated should take the following steps:

- Inform the individual that his/her behavior is unwelcome, offensive or inappropriate.
- Notify a counselor, the Equity Coordinator, or an administrator right away. Early reporting assists any investigation.
- Request a copy of the District's policy regarding harassment and discrimination, and the grievance procedure so that reporting processes are clear.
- Keep notes. Keep a record of dates, times, places and witnesses and descriptions of each incident. Save all notes or records in a safe place.

Complainants are permitted and encouraged to have a friend, parent or other advisor present with them for moral support during any stage of the investigation of the report.

Once an administrator or Equity Coordinator has been notified by a student or employee that he or she may have been harassed, intimidated, or discriminated against and a written grievance filed as provided for in the District's Harassment and Discrimination Grievance Procedure, a confidential and expeditious investigation shall begin following the procedures as outlined below and in the District's Harassment and Discrimination Grievance Procedure.

B. INVESTIGATION AND ACTION PROCEDURE

- After receiving a written grievance, the Equity Coordinator or other individual or outside investigator, as designated by the District administration, shall conduct an investigation and

**Resolution of Complaints/Grievances**  
**Regarding Harassment or Discrimination -**  
**Procedure**

make written recommendation within thirty (30) days to the Superintendent. In determining whether alleged conduct constitutes sexual harassment, the Equity Coordinator or other designated individual or investigator will consider many items including the facts of the allegation, case law, state and federal laws and regulations, the District's policy prohibiting sexual harassment, intimidation, or discrimination, and any past behavior, any training the accused individual has received and other items as appropriate.

- On receipt of a recommendation from the Equity Coordinator or other designated individual or investigator that probable cause exists to credit the allegations of sexual harassment or intimidation, the Superintendent may take action based on the recommendation or the Superintendent may conduct his or her own investigation into the charges. The Superintendent or designee may appoint an outside investigator to conduct the investigation.
- Such investigation must be completed within thirty (30) days of receipt by the Superintendent of the recommendation from the Equity Coordinator or other designated individual or investigator. However, should the Superintendent determine that circumstances warrant, the completion of such investigation may take longer than thirty (30) days but will be completed as soon as can reasonably be accomplished.
- Pending such an investigation, the Superintendent or building administrator or other supervisor may take any action necessary to protect the alleged victim, or other employees or students consistent with requirements of applicable regulations and statutes, if any.
- Consistent with the requirements of applicable regulations or statutes, the Superintendent may take such action deemed necessary and appropriate after the completion of the investigation.

**Resolution of Complaints/Grievances  
Regarding Harassment or Discrimination -  
Procedure**

- The final disposition of the case may be action of the Board of Trustees if there is a recommendation for non-renewal or employment termination or expulsion.

C. GRIEVANCE PROCEDURES

The following grievance procedure is provided to implement the provisions of the District's Sexual Harassment Policy.

1. DEFINITIONS

- **Grievance:** a complaint alleging a violation of any policy, procedure, or practice which would be prohibited by Title IX, Section 504 and other federal and state civil rights laws, rules, and regulations.
- **Title IX:** of the Education Amendments of 1972, the 1975 Implementing

Regulations, and any memoranda, directives, guidelines, or subsequent legislation that may be issued.

- **Section 504:** the rehabilitation Act of 1973.
- **Federal and State Civil Rights Laws, Rules and Regulations:** 1964 Civil Rights Act, Title VI, Title VII as amended, Title IX, Age Discrimination Act of 1967 and 1975 as amended, Equal Pay Act of 1963, Section 504, the Constitution of Montana, The Montana Human Rights Act, the Montana Code of Governmental Fair Practices, and implementing federal and state rules and regulations.
- **Grievant(s):** a student, parent, guardian or employee of the Billings Public Schools who submits a grievance.
- **Equity Coordinator:** the employee designated to coordinate the District's efforts to comply with equity regulations and facilitate processing of complaints (hereafter Coordinator). *NOTE: The District may authorize others to conduct investigations of complaints.*

**Resolution of Complaints/Grievances**  
**Regarding Harassment or Discrimination -**  
**Procedure**

- Day: a working day; the calculation of days in grievance processing shall exclude Saturdays, Sundays and school holidays (Section 20-1-305, MCA).

**Resolution of Complaints/Grievances**  
**Regarding Harassment or Discrimination -**  
**Procedure**

- Policies: the District's Resolution of Complaints/Grievances Regarding Harassment or Discrimination; Commitment to Civil Rights; and Sexual Harassment Prevention adopted by the District's Board of Trustees.
2. BASIC PROCEDURAL RIGHTS: applicable to all levels of the grievance procedure.
- The Equity Coordinator (or designated individual) shall receive complaints, actively and independently investigate the merit of complaints, and assist the parties in resolution of complaints. The Equity Coordinator may be utilized as a resource by any party at any level of this procedure.
  - This procedure does not deny the right of the grievant to file formal complaints with other state and federal agencies (Montana Human Rights Commission or the U.S. Dept. Of Education Office for Civil Rights) or to seek private counsel for complaints alleging discrimination.
  - If a grievance is taken to the Board of Trustees for a formal contested case hearing, parties shall have the right to representation, to present witnesses and evidence, and to question opposing witnesses.
3. PROCESS
- Level I: Principal or Immediate Supervisor (Informal and optional--may be bypassed by grievant)

Many problems can be solved by an informal meeting with the parties and the school principal. An exception is that complaints of sexual harassment should be discussed with the first line supervisor or administrator that is not involved in the alleged harassment.

Level 2: Equity Coordinator

If the complaint or issue is not resolved at Level 1 or if Level 1 is bypassed, the grievant may file a written grievance on the District's Grievance Form

**Resolution of Complaints/Grievances**  
**Regarding Harassment or Discrimination -**  
**Procedure**

stating: 1) the nature of the grievance; 2) the remedy requested, and 3) be signed and dated by the grievant. The Level 2 written grievance must be filed with the Equity Coordinator within thirty (30) days of the event or incident, or from the date the grievant could reasonably become aware of an occurrence of sexual harassment, intimidation, or discrimination.

The Coordinator (or designated person as provided for by the Policy) has authority to investigate all written grievances. If possible, the Coordinator will resolve the grievance. If the parties cannot agree on resolution, the Coordinator or designated person will prepare a written recommendation as provided for in the Policy which shall include the following:

- a clear statement of the allegations of the grievance and remedy sought by the grievant;
- a statement of the facts as contended by each of the parties;
- a statement of the facts as found by the Equity Coordinator or designated person and identification of evidence to support each fact;
- a list of all witnesses interviewed and documents reviewed during the investigation;
- a narrative describing attempts to resolve the grievance;
- a conclusion as to whether probable cause exists to credit the allegations of the grievance with respect to sexual harassment, intimidation, or discrimination.

Upon receipt of the recommendation of the Equity Coordinator or designated person, the Superintendent shall take such steps as authorized by the Policy.

**Level 3: The Board of Trustees**

If the Superintendent rejects the recommendation of the Equity Coordinator or the designated person,

**Resolution of Complaints/Grievances**  
**Regarding Harassment or Discrimination -**  
**Procedure**

and/or the grievant is not satisfied with the Superintendent's recommendation or action taken at Level 2, the grievant may make a written appeal within ten (10) days after the Superintendent makes a disposition of the grievance as provided for in the Policy to the Board of Trustees. On receipt of the written appeal, the matter shall be placed on the agenda of the Board of Trustees for a hearing. The Board Chair may appoint a hearing panel of not less than three Board members to hear the appeal and make a recommendation to the Board. A decision shall be made by the full Board and reported in writing to all parties within thirty (30) days of that meeting.

Other Options for Grievant

At any time during this process, a grievant may file a complaint with the Montana Human Rights Commission or with the U.S. Department of Education, Office of Civil Rights (Denver, Colorado), or take private legal action.