

Billings School District 2

COMMUNITY RELATIONS

Complaints Against District Employees

On occasion, parents, students, District employees, and members of the public may wish to make complaints about the job performance of a District employee. This policy sets the process to be followed for persons having such complaints.

Evaluation, supervision and discipline of District employees is governed by Montana laws, District policies and procedure, and bargaining agreements with the District's employment unions and associations, which the Board must follow. By Montana law, the Board has the authority to evaluate and directly supervise only the District Superintendent and the District Clerk. Other District employees are evaluated and supervised by designated administrators, most often by the principal of the school where they work. Personnel actions - hiring, suspensions, terminations - for all personnel, except the Superintendent and Clerk, come to the Board only upon recommendation of the Superintendent. The only time the Board can make personnel decisions, except for actions related to the Superintendent or Clerk, is when the Superintendent has recommended those actions.

Complaints against the Superintendent or Clerk shall be made in writing to the Board using District Form 1700-F1 and delivered to the Chair of the School Board. The Board will then take action as it determines appropriate in accordance with law, policy, and procedure to resolve the complaint, including notifying the Superintendent and Clerk of the complaint, investigating the complaint, conducting hearings on the complaint, and taking disciplinary action, if appropriate. The Board shall keep written records of its action on such complaints and they shall be made available to the Superintendent and Clerk and to the complainant and the public in accordance with Montana law. Persons making complaints against the Superintendent or Clerk should understand that such complaints are likely to be open to public review and disclosure.

The Board designates the following process for resolving complaints against all District employees except for the Superintendent or Clerk: (1) the person making the complaint (the complainant) first discusses it with the employee who is the subject of the complaint (subject employee); (2) if not satisfied with the decision at the first level, the complainant puts the complaint in writing using District Form 1700-F1 and meets with the subject employee's immediate supervisor (e.g., principal of a school), (3) if the complainant is still not satisfied with the administrator's decision, the complainant may appeal to the next level of the subject employee's supervision, (i.e. appropriate Executive Director), who shall decide the appeal, and (4) if the complainant is still not satisfied with the decision, the complainant may appeal to the Superintendent, which is the final review step unless the Superintendent calls the matter to the attention of the Board in accordance with applicable law, policy, and procedure.

The administrator handling a complaint will investigate and take appropriate action, which may include conferences with the subject employee and complainant, either individually or together, a letter of reprimand, a plan for improvement, or a determination that no further action is warranted.

Whenever an administrator decides that a written complaint warrants an investigation that could lead to possible action against the subject employee, the administrator shall give written notice to the subject employee and shall inform the complainant that the subject employee will receive written notice of the complaint. The administrator shall inform the subject employee of any right to representation that he or she may have. The administrator will also inform the complainant and the subject employee that due to public disclosure requirements, the complaint may become a public document. The Board requires that all written complaints against District employees shall be decided by subject employee's supervisor and that decisions by administrators on complaints against District employees shall be in writing and retained. To the extent allowed by law and procedure, all decisions on complaints against District employees shall be sent to the subject employee and the complainant. The administrator deciding such complaints is required by law to honor confidentiality rights of the subject employee, so the District may not be able to provide the complainant with a copy of the decision or tell the complainant exactly what action was taken. However, the administrator shall inform the complainant at a minimum that the complaint has been investigated and resolved and whether disciplinary action was taken.

Cross References: 1700 Uniform Complaint Procedure
1700-F1 Complaint Form
4311 Complaints Against District Employees

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