



*Polson School District #23*

# **Complaint Procedures Handbook 2017-2018**

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The Polson School District Board of Trustees does not discriminate on the basis of race, color, national origin, age, religion, sex, or disability in employment, educational programs or activities.

Rev. July 10, 2017

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## Introduction

The purpose of this handbook is to assist with Complaint Procedures provided for by federal and state law and District policy. It is not an all-encompassing document and may not cover every possible situation or circumstance. Refer to the actual District policies for further information.

The Polson School District Board of Trustees reserves the right, and has the sole discretion, to change any District policies. Complete copies are available at the District Office or the District web site ([www.polson.k12.mt.us](http://www.polson.k12.mt.us)).

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## Handling Complaints

Informal procedures can resolve many complaints. Informal procedures solve complaints without formal paperwork and are not subject to filing a form 1700F. The District will consider complaints that are resolved using informal procedures to be as serious as complaints handled under formal procedures. Informal procedures have the following advantages to the affected parties and the District:

- Processes are less frightening. Less litigious and less costly
- Confidentiality is easier to protect for all parties
- Publicity is less and peer pressure may be less
- Process can be educational for perpetrators
- Process is less adversarial – less “your word against theirs”
- Sanctions used can be more creative and effective

**Note: Informal procedures are only possible if the parties voluntarily agree.**

Formal procedures may be initiated at any time during informal procedures, or initiated without taking any informal procedures. The following are formal procedures:

- File a formal complaint using the Uniform Grievance Procedure- Policy 1700
- File a formal complaint using collective bargaining agreement grievance procedure.
- File a formal complaint with the Montana Human Rights Bureau (either under state or federal law with the EEOC)
- File a formal complaint with the US Department of Education, Office for Civil Rights in Seattle

## Important Contact Information

### Cherry Valley School 504 Coordinator

Rhonda Crowl, Principal

Phone 406.883.6333 ext 502 • Fax 406.883.6332 • Email [rcrowl@polson.k12.mt.us](mailto:rcrowl@polson.k12.mt.us)

### Linderman School 504 Coordinator

Kristin Wilson, Principal

Phone 406.883.6229 ext 401 • Fax 406.883.6365 • Email [kwilson@polson.k12.mt.us](mailto:kwilson@polson.k12.mt.us)

**Polson Middle School 504 Coordinator**

Tim Finkbeiner, Principal  
Phone 406.883.6229 ext 401 • Fax 406.883.6365 • Email [tfinkbeiner@polson.k12.mt.us](mailto:tfinkbeiner@polson.k12.mt.us)

**Polson High School 504 Coordinator**

Scott Wilson, Principal  
Phone 406.883.6351 ext 202 • Fax 406.883.6330 • Email [swilson@polson.k12.mt.us](mailto:swilson@polson.k12.mt.us)

**Polson School District IDEA Coordinator**

Tim Berg, Director of Special Services  
Phone 406.883.6335 ext 332 • Fax 406.883.6345 • Email [tberg@polson.k12.mt.us](mailto:tberg@polson.k12.mt.us)

**Polson School District Title IX Coordinator**

Carl Elliott, Director of Support Services, Human Resources and Information Technology  
Phone 406.883.6355 ext 603 • Fax 406.883.6345 • Email [celliott@polson.k12.mt.us](mailto:celliott@polson.k12.mt.us)

**Polson School District American's with Disabilities Act Title II Coordinator**

Rex Wertz, Superintendent  
Phone 406.883.6355 ext 600 • Fax 406.883.6345 • Email [rwertz@polson.k12.mt.us](mailto:rwertz@polson.k12.mt.us)

**Polson School District Equal Employment Opportunity Title VII Coordinator**

Carl Elliott, Director of Support Services, Human Resources and Information Technology  
Phone 406.883.6355 ext 603 • Fax 406.883.6345 • Email [celliott@polson.k12.mt.us](mailto:celliott@polson.k12.mt.us)

**Polson School District HIPAA Privacy Officer**

Rex Wertz, Superintendent  
Phone 406.883.6355 ext 600 • Fax 406.883.6345 • Email [rwertz@polson.k12.mt.us](mailto:rwertz@polson.k12.mt.us)

**Office of Public Instruction**, PO Box 20251, Helena, MT 59620-2501, Phone 406.444.3161

**Montana Human Rights Bureau**, PO Box 20251, Helena, MT 59624, Phone 406.444.4344, Toll-free 800.542.0807

**US Department of Education Office for Civil Rights**, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, Phone 206.220.7880, Fax 206.220.7887, TDD 206.220.7907, email [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

**Family Policy Compliance Office**, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920

**School District Organization- 1000 Series  
Uniform Grievance Procedure- Policy 1700**

Students, parents, employees, or community members may file a complaint in accordance with this grievance procedure, if they believe that the Board, its employees or agents have violated their rights guaranteed by the State or federal constitutions, State or federal statutes, or Board policy.

District officials will endeavor to respond to and resolve all complaints without the need to resort to this grievance procedure and, if a complaint is filed, to address the complaint promptly and equitably. The right of a person to a prompt and equitable resolution of a 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.

**Filing a Complaint**

The Complainant may file a complaint with any District Principal or Supervisor. If a Complainant is not sure of the appropriate person with whom to file a complaint, he/she may ask for assistance from the Superintendent in identifying the appropriate Principal or Supervisor. If the complaint contains allegations against the Superintendent, the Complainant may ask for assistance from the Board Chair in identifying the appropriate manner in which to file a complaint. Any individual receiving a complaint may request the Complainant to provide a written statement regarding the nature of the complaint. The complaint must be filed within 30 calendar days of the event or incident or from the date an individual could reasonably become aware of such event or incident.

**Investigation**

Within 15 calendar days of the date the complaint was filed, the individual receiving the complaint will investigate the complaint or appoint a qualified person to undertake the investigation on his/her behalf. The complaint or identity of the Complainant will not be disclosed except (1) as required by law or this policy; (2) as necessary to fully investigate the complaint; or (3) as authorized by the Complainant. The Principal or Supervisor shall issue a written decision at the completion of the investigation. If the complaint contains allegations involving the Principal or the Supervisor, the Superintendent shall address the complaint in writing. If the complaint contains allegations involving the Superintendent, the Board shall address the complaint in writing.

**Decision and Appeal**

Within 7 calendar days of receipt of the written decision, a District official shall notify the Complainant of the investigator's determination regarding the complaint. If the Complainant is not satisfied with the determination of the investigator, the Complainant may appeal the decision to the Superintendent, or the Board if appealing a decision regarding the Superintendent, by making a written request to the Superintendent or Board Chair within 15 calendar days.

The Superintendent shall review the determination of the investigator and respond to the Complainant within 30 calendar days. If the Complainant is not satisfied with the determination of the Superintendent, the matter may be appealed to the Board if the Complainant is alleging a violation of Board policy, or state or federal law. Within 30 calendar days, the Board shall meet to affirm, reverse, or amend the decision or direct the gathering of additional information. This meeting shall not be a de novo hearing, but a review of the written decision in the matter. Within 7 calendar days, the Complainant shall be informed of the Board's decision by mail. The Complainant may appeal the Board's decision to the Lake County Superintendent as provided by law.

Polson School District #23 Complaint Form

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: \_\_\_\_\_

1. Who or what is your complaint against?

School: \_\_\_\_\_

2. Has this been discussed with him/her?

Yes

No

Dates: \_\_\_\_\_

DESCRIPTION OF COMPLAINT: Please include all important information such as location, names, dates, who was present, and to whom it was reported. Please use additional paper if more space is needed.

What remedy or action do you suggest?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Date Received by the District: \_\_\_\_\_

**Student Instruction- 2000 Series**  
**Special Education and Accommodations- Policy 2162**

The District shall provide a free appropriate public education and necessary related services to all children with disabilities residing within the District, as required under the Individuals With Disabilities Education Act (hereinafter "IDEA") and implementing provisions in Montana law, Section 504 of the Rehabilitation Act of 1973, and the Americans With Disabilities Act.

1. Inquiries regarding noncompliance of providing a free appropriate public education should be directed to the Director of Special Services.
2. An individual may file a noncompliance grievance using the **Uniform Grievance Procedure, Policy 1700**. The grievance form may be turned in to a School or District office which will forward it to the Director of Special Services.
3. An individual may also file a discrimination claim with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: OCR.Seattle@ed.gov
4. An individual may also file a noncompliance of confidentiality complaint with the Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920
5. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.



## **Instruction- 2000 Series**

### **Section 504 Procedural Safeguards- Policy 2162**

**Impartial Due Process Hearing.** If the parent of a student who qualifies under Section 504 for special instruction or related services disagrees with a decision of the District with respect to: (1) the identification of the child as qualifying for Section 504; (2) the District's evaluation of the child; and/or (3) the educational placement of the child, the parents of the student are entitled to certain procedural safeguards. The student shall remain in his/her current placement until the matter has been resolved through the process set forth herein.

The District shall provide written notice to the parent or legal guardian of a Section 504 student, prior to initiating an evaluation of the child and/or determining the appropriate educational placement of the child, including special instruction and/or related services. Upon request, the parent or legal guardian of the student shall be allowed to examine all relevant records relating to the child's education and the District's identification, evaluation, and/or placement decision.

1. The parent of the student may make a request in writing for an impartial due process hearing. The written request for an impartial due process hearing shall identify with specificity the areas in which the parent or legal guardian is in disagreement with the District.
2. Upon receipt of a written request for an impartial due process hearing, a copy of the written request shall be forwarded to all interested parties within 3 business days.
3. Within 10 days of receipt of a written request for an impartial due process hearing, the District shall select and appoint an impartial hearing officer who has no professional or personal interest in the matter. In that regard, the District may select a hearing officer from the list of special education hearing examiners available at the Office of Public Instruction, the county superintendent or any other person who would conduct the hearing in an impartial and fair manner.
4. Once the District has selected an impartial hearing officer, the District shall provide the parent and all other interested parties with notice of the person selected.
5. Within 5 days of the District's selection of a hearing officer, a pre-hearing conference shall be scheduled to set a date and time for a hearing, identify the issues to be heard, and stipulate to undisputed facts to narrow the contested factual issues.
6. The hearing officer shall, in writing, notify all parties of the date, time, and location of the due process hearing.
7. Any time prior to the hearing, the parties may mutually agree to submit the matter to mediation. A mediator may be selected from the Office of Public Instruction's list of trained mediators.
8. At the hearing, the District and the parent may be represented by counsel.
9. The hearing shall be conducted in an informal but orderly manner. Either party may request that the hearing be recorded. Should either party request that the hearing be recorded, it shall be recorded

using either appropriate equipment or a court reporter. The parents shall present their case first, followed by the District. Witnesses may be called to testify, and they will be subject to cross examination. Documentary evidence may be admitted and the hearing officer shall make all decisions relating to the relevancy of all evidence intended to be presented by the parties. Once all evidence has been received, the hearing officer shall close the hearing. The hearing officer may request that both parties submit proposed findings of fact, conclusions, and decision.

10. Within 20 days of the hearing, the hearing examiner should issue a written report of his/her decision to the parties. Appeals may be taken as provided by law.
11. Appeals may be taken as provided by law. The parent or legal guardian may contact the Office of Civil Rights, 1244 Speer Boulevard, Suite 310, Denver, CO 80204-3582; (303) 844-5695 or (303) 844-5696.
12. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

**Uniform Grievance Procedure.** If a parent or legal guardian of the student alleges that the District and/or any employee of the District has engaged in noncompliance, the parent or legal guardian will be required to proceed through the District's **Uniform Grievance Procedure, Policy 1700.**

## Students- 3000 Series

### Equal Educational Opportunities- Policy 3210

Equal educational and extracurricular opportunities shall be available for all students without regard to race, color, national origin, sex, sexual orientation, religious beliefs, physical and mental handicap or disability, or actual or potential marital or parental status.

The District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status. Any student may file a discrimination grievance by using the Uniform Grievance Procedure.

No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities. Any student may file a sex equity complaint by using the Uniform Grievance Procedure. Inquiries regarding discrimination of any kind should be directed to the District's Title IX Coordinator, who shall provide information and, if necessary, direct the individual to the Uniform Grievance Procedure. The District will annually publish notice of these rights to students and parents.

1. Inquiries regarding discrimination or should be directed to the District Title IX Coordinator.
2. An individual may file a discrimination grievance using the **Uniform Grievance Procedure, Policy 1700**. The grievance form may be turned in to a School or District office which will forward it to the District Title IX Coordinator.
3. An individual may also file a discrimination claim with the Montana Human Rights Bureau, PO Box 20251, Helena, MT 59624, (406) 444-4344, (800) 542-0807
4. An individual may also file a discrimination claim with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: OCR.Seattle@ed.gov
5. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

## **Students- 3000 Series**

### **Harassment, Intimidation, Hazing and Bullying of Students Prohibited - Policy 3226**

The Board will strive to provide a positive and productive learning and working environment. Bullying, harassment, intimidation, or hazing, by students, staff, or third parties is strictly prohibited and shall not be tolerated.

Harassment, intimidation, or bullying means any act that substantially interferes with a student's educational benefits, opportunities, or performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop, and that has the effect of:

- physically harming a student or damaging a student's property;
- knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property; or
- creating a hostile educational environment.

Harassment, intimidation and bullying can take many forms - verbal, written, electronic, visual, physical and psychological - and is often, but not always, associated with race, ethnicity, religion, gender, sexual orientation, socioeconomic status, or physical differences.

Hazing includes, but is not limited to, any act that recklessly or intentionally endangers the mental or physical health or safety of a student for the purpose of initiation or as a condition or precondition of attaining membership in or affiliation with any District-sponsored activity or grade-level attainment.

No person, including a district employee or agent, or student, shall harass, haze, bully or intimidate another based on the provisions of applicable local, state and federal laws and regulations that prohibit discrimination. It is the policy of the board to comply with all nondiscrimination laws.

Complaints of harassment/intimidation, hazing and bullying will be handled according to the provisions on sexual harassment, below. The Superintendent shall use reasonable measures to inform staff members and students that the District will not tolerate harassment, by including appropriate language in school handbooks.

#### **Sexual Harassment Prohibited**

Sexual harassment of students is prohibited. Any person, including a district employee or agent, or student, engages in sexual harassment whenever he or she makes sexual advances, requests sexual favors, and engages in other verbal or physical conduct of a sexual or sex-based nature, imposed on the basis of sex, that:

Denies or limits the provision of educational aid, benefits, services, or treatment; or that makes such conduct a condition of a student's academic status; or

Has the purpose or effect of:

- substantially interfering with a student's educational environment;

- creating an intimidating, hostile, or offensive educational environment;
- depriving a student of educational aid, benefits, services, or treatment; or
- making submission to or rejection of such conduct the basis for academic decisions affecting a student.

The terms "intimidating," "hostile," and "offensive" include conduct that has the effect of humiliation, embarrassment, or discomfort. Examples of sexual harassment include, but not limited to, touching, crude jokes or pictures, discussions of sexual experiences, teasing related to sexual characteristics, and spreading rumors related to a person's alleged sexual activities.

Students, who believe they are victims of sexual harassment or have witnessed sexual harassment, are encouraged to discuss the matter with the Title IX Coordinator or Principal. Students may choose to report to a person of the student's same sex. Complaints will be kept confidential to the extent possible given the need to investigate. Formal complaints will be handled pursuant to the Uniform Grievance Procedure.

Any District employee who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action up to and including discharge. Any student who is determined, after an investigation, to have engaged in sexual harassment will be subject to disciplinary action, including but not limited to, suspension and expulsion consistent with the District's discipline policy. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action up to and including discharge, with regard to employees, or suspension and expulsion, with regard to students.

1. Students who believe that they may have been subjected to bullying, harassment, intimidation, or hazing, by students, staff, or third parties should contact a counselor, teacher, District Title IX coordinator, or administrator, who will assist them in the complaint process either by informal procedures or through a formal procedure using the **Uniform Grievance Procedure, Policy 1700**.
2. Student-to-student complaints should be resolved at the school level through informal or formal procedures.
3. Employee-to-student complaints should be forwarded to the District Title IX coordinator to initiate a formal complaint using the **Uniform Grievance Procedure, Policy 1700**.
4. Supervisors or teachers who knowingly condone or fail to report or assist a student to take action to remediate such behavior of bullying, harassment, intimidation, or hazing, may themselves be subject to discipline.
5. Complaints against the building principal will be filed with the Superintendent. Complaints against the Superintendent will be filed with the Board of Trustees.
6. An individual may also file a discrimination claim with the Montana Human Rights Bureau, PO Box 20251, Helena, MT 59624, (406) 444-4344, (800) 542-0807

7. An individual may also file a discrimination claim with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)
8. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

## **Students- 3000 Series**

### **Maintenance of Records- Policy 3600**

School student records are confidential, and information from them will not be released other than as provided by law.

#### **Confidentiality of Information**

The District follows the provisions under the Family Educational Rights and Privacy Act and implements the procedures in 34 C.F.R. 300.562-300.577, § 20-1-213, MCA, and A.R.M. 10.16.3560.

1. Inquiries regarding noncompliance of confidentiality should be directed to building principals (regular ed. cases) or the Director of Special Services (for IDEA cases).
2. An individual may file a noncompliance of confidentiality grievance using the **Uniform Grievance Procedure, Policy 1700**. The grievance form may be turned in to a School or District office which will forward it to the building principal (regular ed. cases) or the Director of Special Services (for IDEA cases).
3. An individual may also file a discrimination claim with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: OCR.Seattle@ed.gov
4. An individual may also file a noncompliance of confidentiality complaint with the Family Policy Compliance Office, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202-5920
5. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

**School/Community Relations- 4000 Series**  
**Accommodating Individuals with Disabilities- Policy 4316**

Individuals with disabilities will be provided opportunity to participate in all school-sponsored services, programs, or activities on a basis equal to those without disabilities and will not be subject to illegal discrimination. The District shall provide auxiliary aids and services when necessary to afford individuals with disabilities equal opportunity to participate in or enjoy the benefits of a service, program, or activity.

The Superintendent is designated the Title II Coordinator and, in that capacity, is directed to:

- Oversee District compliance efforts, recommend necessary modifications to the Board, and maintain the District's final Title II self-evaluation document and keep it available for public inspection for at least three (3) years after its completion date.
  - Institute plans to make information regarding Title II protection available to any interested party.
1. Individuals with a disability should notify the Superintendent or building principal if they have a disability that will require special assistance or services and what services are required. This notification should occur as far as possible before the school-sponsored function, program, or meeting.
  2. Individuals with disabilities may allege a violation of this policy or of federal law by reporting it to the Superintendent, as the Title II Coordinator, or by filing a grievance under the **Uniform Complaint Procedure, Policy 1700**.
  3. An individual may also file a discrimination claim with the Montana Human Rights Bureau, PO Box 20251, Helena, MT 59624, (406) 444-4344, (800) 542-0807
  4. An individual may also file a discrimination claim with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)
  5. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.



**Personnel- 5000 Series**  
**Equal Employment Opportunity- Policy 5010**

The District shall provide equal employment opportunities to all persons regardless of their race, color, creed, religion, national origin, sex, age, ancestry, marital status, use of lawful products while not at work, physical or mental handicap or disability, if otherwise able to perform the essential functions of the job with or without reasonable accommodation, and other legally protected categories.

The District shall not retaliate against any employee for complaining about not receiving equal employment opportunities or other unlawful discriminatory practices, participating in a proceeding regarding the denial of equal employment opportunities, or otherwise opposing discrimination.

Persons who believe they have not received equal employment opportunities or have been retaliated against should report their claims to the Superintendent through the Uniform Complaint Procedure. No employee or applicant will be discriminated against because he or she initiated a complaint, was a witness, supplied information, or otherwise participated in an investigation or proceeding involving an alleged violation of this policy or State or federal laws.

The District reserves the right to take action against any individual who knowingly makes false accusations or knowingly provides false information.

1. An individual may file a discrimination grievance using the **Uniform Grievance Procedure, Policy 1700**. The grievance form may be turned in to the Superintendent or the building principal.
2. An individual may also file a discrimination claim with the Montana Human Rights Bureau, PO Box 20251, Helena, MT 59624, (406) 444-4344, (800) 542-0807
3. An individual may also file a discrimination claim with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: OCR.Seattle@ed.gov
4. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

## **Students- 3000 Series**

### **Equal Educational Opportunities- Policy 3210**

Equal educational and extracurricular opportunities shall be available for all students without regard to race, color, national origin, sex, sexual orientation, religious beliefs, physical and mental handicap or disability, or actual or potential marital or parental status.

The District will not knowingly enter into agreements with any entity or any individual that discriminates against students on the basis of sex or any other protected status. Any student may file a discrimination grievance by using the Uniform Grievance Procedure.

No student shall, on the basis of sex, be denied equal access to programs, activities, services, or benefits or be limited in the exercise of any right, privilege, advantage, or denied equal access to educational and extracurricular programs and activities. Any student may file a sex equity complaint by using the Uniform Grievance Procedure. Inquiries regarding discrimination of any kind should be directed to the District's Title IX Coordinator, who shall provide information and, if necessary, direct the individual to the Uniform Grievance Procedure. The District will annually publish notice of these rights to students and parents.

1. Inquiries regarding discrimination or should be directed to the District Title IX Coordinator.
2. An individual may file a discrimination grievance using the **Uniform Grievance Procedure, Policy 1700**. The grievance form may be turned in to a School or District office which will forward it to the District Title IX Coordinator.
3. An individual may also file a discrimination claim with the Montana Human Rights Bureau, PO Box 20251, Helena, MT 59624, (406) 444-4344, (800) 542-0807
4. An individual may also file a discrimination claim with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: OCR.Seattle@ed.gov
5. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

## Personnel- 5000 Series

### Bullying/Harassment/Intimidation - Policy 5015

The District will strive to provide a positive and productive working environment. Bullying, harassment, or intimidation between employees or by third parties, is strictly prohibited and shall not be tolerated. This includes bullying, harassment, or intimidation via electronic communication devices (“cyberbullying”).

#### 1. Definitions

1. “Third parties” include but are not limited to coaches, school volunteers, parents, school visitors, service contractors, or others engaged in District business, such as employees of businesses or organizations participating in cooperative work programs with the District, and others not directly subject to District control at inter-district and intra-District athletic competitions or other school events.
2. “District” includes District facilities, District premises, and non-District property if the employee is at any District-sponsored, District-approved, or District-related activity or function, such as field trips or athletic events, where the employee is engaged in District business.
3. “Bullying, harassment, or intimidation” means any act that substantially interferes with an employee’s opportunities or work performance, that takes place on or immediately adjacent to school grounds, at any school-sponsored activity, on school-provided transportation, or anywhere such conduct may reasonably be considered to be a threat or an attempted intimidation of a staff member or an interference with school purposes or an educational function, and that has the effect of:
  - a. Physically harming an employee or damaging an employee’s property;
  - b. Knowingly placing an employee in reasonable fear of physical harm to the employee or damage to the employee’s property; or
  - c. Creating a hostile working environment.
4. “Electronic communication device” means any mode of electronic communication, including but not limited to computers, cell phones, or the internet.

#### Reporting

1. All complaints about behavior that may violate this policy shall be promptly investigated. Any employee or third party who has knowledge of conduct in violation of this policy or feels he/she has been a victim of bullying, harassment, or intimidation in violation of this policy is encouraged to immediately report his/her concerns to the building principal or the immediate supervisor, who will assist them in the complaint process either by informal procedures or through a formal procedure using the **Uniform Grievance Procedure, Policy 1700**.

2. Supervisors who knowingly condone or fail to report or assist an employee to take action to remediate such behavior of bullying, harassment, or intimidation, may themselves be subject to discipline.
3. Complaints against the building principal will be filed with the Superintendent. Complaints against the Superintendent will be filed with the Board of Trustees.
4. An individual may also file a harassment claim with the Montana Human Rights Bureau, PO Box 20251, Helena, MT 59624, (406) 444-4344, (800) 542-0807
5. An individual may also file a harassment claim with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: OCR.Seattle@ed.gov
6. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

**Personnel- 5000 Series**  
**Sexual Harassment- Policy 5012**

The District shall provide employees an employment environment free of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct, or communications constituting sexual harassment as defined and otherwise prohibited by State and federal law.

District employees shall not make unwelcome sexual advances or request sexual favors or engage in any unwelcome conduct of a sexual nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. Sexual harassment prohibited by this policy includes verbal or physical conduct. The terms intimidating, hostile, or offensive include, but are not limited to, conduct which has the effect of humiliation, embarrassment or discomfort. Sexual harassment will be evaluated in light of all the circumstances. A violation of this policy may result in discipline, up to and including discharge. Any person making a knowingly false accusation regarding sexual harassment will likewise be subject to disciplinary action, up to and including discharge.

Employees should report claims of sexual harassment to the Principal or Superintendent and/or use the Uniform Complaint Procedure. Initiating a complaint of sexual harassment shall not adversely affect the complainant's employment, compensation, or work assignments

1. Aggrieved persons who feel comfortable doing so, should directly inform the person engaging in sexually harassing conduct or communication, that such conduct or communication is offensive and must stop. This communication should take place in the presence of an advocate or witness.
2. Employees who believe they may have been sexually harassed or intimidated should contact the District Title IX Coordinator or an administrator, who will assist them in the complaint process either by informal procedures or through a formal procedure using the **Uniform Grievance Procedure, Policy 1700**.
3. Supervisors who knowingly condone or fail to report or assist an employee to take action to remediate such behavior of sexual harassment or intimidation, may themselves be subject to discipline.
4. An individual may also file a harassment complaint with the Montana Human Rights Bureau, PO Box 20251, Helena, MT 59624, (406) 444-4344, (800) 542-0807
5. An individual may also file a harassment complaint with the US Department of Education Office for Civil Rights, Seattle Office, 915 Second Ave., Rm 3310, 10-9010, Seattle, WA 98174-1099, (206) 220-7880, fx: (206) 220-7887, TDD: (206) 220-7907, email: OCR.Seattle@ed.gov
6. Retaliation against persons who file a complaint is a violation of law prohibiting discrimination, and will lead to disciplinary action against the offender.

## **Personnel**

### **Privacy of Medical Records- Policy 5510**

It shall be the policy of the District to protect and safeguard the protected health information (“PHI”) created, acquired, and maintained by the school district consistent with the Standards for Privacy of Individually Identifiable Health Information (the “Privacy Rule”) promulgated pursuant to the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”), and any case law arising from the interpretation thereof, and applicable state laws.

All health information created and maintained by the District and its agents that is considered part of a student’s “education record” under FERPA (“Family Educational Rights and Privacy Act”) is not subject to this policy.

The Board and administration recognize that, as an employer and health plan sponsor, and as a provider of health care services, certain components within the school district engage in HIPAA-covered functions and must comply with the HIPAA Privacy Rule (hereafter the “Covered Component(s)"); however, there are other components of the school district that engage in non-covered functions and so are not required to comply with the HIPAA Privacy Rule (hereafter the “non-Covered Component(s).” Therefore, Board hereby designates itself as a “Hybrid Covered Entity” under HIPAA and its rules and regulations.

The Superintendent is the Privacy Officer, who will, with individuals appointed by the Superintendent as members of a “Privacy Team,” undertake the following tasks to ensure compliance with the HIPAA Privacy Rule:

1. Conduct a thorough initial assessment of all existing policies, procedures, and practices for creating, maintaining, using, disclosing, and destroying health information to determine where the gaps may be with respect to meeting HIPAA and/or FERPA standards and as to whether there are reasonable administrative, technical, and physical safeguards to protect the privacy of PHI.
2. Draft, adopt, and maintain administrative policies and procedures to allow the school district to meet the requirements of the HIPAA Privacy Rule as they may apply to the employee health plan and/or its health care provider Covered Components.
3. Draft and adopt a “Notice of Privacy Practices” that describes, among other things, the uses and disclosures that the District is permitted or required to make under the HIPAA Privacy Rule, its obligations under HIPAA, and the rights related thereto for employees, and students who may receive services from the school district’s health care provider Covered Component.
4. Draft and adopt HIPAA-compliant written authorizations to use or disclose PHI for purposes unrelated to treatment, payment, health care operations, and other designated purposes under the HIPAA Privacy Rule.
5. Identify Business Associates and enter into Business Associate Agreements with all third parties that access PHI when providing services on behalf of the District in relation to its employee health plan and/or health care provider component(s).

7. Establish a training program for all members of the District workforce on HIPAA and the District's policies and procedures related thereto "as necessary and appropriate" for said employees to carry out their functions. Such a training program shall include periodic refresher courses.
8. Develop a process for handling complaints, such process to include the designation of a specific individual to handle such complaints and appropriate procedures for documenting said complaints and the disposition thereof.

The Privacy Officer shall ensure the appropriate development and implementation of sanctions against those members of the workforce who fail to comply with the administrative policies and procedures developed hereunder. In addition to ensuring that appropriate administrative policies and procedures are adopted and implemented to ensure compliance with the HIPAA Privacy Rule, the District will mitigate, to the extent possible, any harmful effects of improper disclosures of PHI and will refrain from any activity that may intimidate, threaten, coerce, discriminate against, or retaliate against an individual for exercising his/her rights under HIPAA.

### **Complaints**

If an employee believes their privacy rights have been violated, they may file a written complaint using the **Uniform Grievance Procedure, Policy 1700** with the Privacy Officer.

Polson School District Privacy Officer  
Rex Wertz, Superintendent  
Polson School District  
111 4th Ave. E.  
Polson, MT 59860