

COMPLAINT PROCEDURE

It is the policy of the Mason City Community School District not to discriminate on the basis of race, color, national origin, sex, disability, religion, creed, age (for employment), marital status (for programs), sexual orientation, gender identity and socioeconomic status (for programs) in its educational programs and its employment practices. There is a grievance procedure for processing complaints of discrimination. If you have questions or a grievance related to this policy please contact the Equity Coordinator, Tom Drzycimski, 1515 S. Pennsylvania Ave., Mason City, Iowa, 50401, 641-421-4403, tdrzycimski@masoncityschools.org.

Students, parents of students, employees, and applicants for employment in the school district have the right to file a formal complaint alleging sexual harassment or discrimination. The district has policies and procedures in place to identify and investigate complaints alleging sexual harassment and discrimination. If appropriate, the district will take steps to prevent the recurrence of sexual harassment and discrimination and to correct its discriminatory effects on the Complainant and others.

A Complainant may attempt to resolve the problem informally by discussing the matter with the person who is engaging in the harassing or discriminatory behavior, a building principal or, a direct supervisor. However, the Complainant has the right to end the informal process at any time and pursue the formal complaint procedures outlined below. Use of the informal or formal grievance procedure is not a prerequisite to the pursuit of other remedies. Please note that informal processes and procedures are not to be used in certain circumstances (e.g., sexual harassment and sexual assault).

Filing a Complaint

A Complainant who wishes to avail himself/herself of this complaint procedure may do so by filing a complaint with the equity coordinator(s). An alternate will be designated in the event it is claimed that the equity coordinator or superintendent committed the alleged discrimination or some other conflict of interest exists. Complaints shall be filed within 180 days of the event giving rise to the complaint or from the date the Complainant could reasonably become aware of such occurrence. The Complainant will state the nature of the complaint and the remedy requested. The equity coordinator(s) shall assist the Complainant as needed.

Investigation

Within 15 working days, the equity coordinator will begin the investigation of the complaint or appoint a qualified person to undertake the investigation (hereinafter "equity coordinator"). If the Complainant is under 18 years of age, the equity coordinator shall notify his or her parent(s)/guardian(s) that they may attend investigatory meetings in which the Complainant is involved. The complaint and identity of the Complainant, Respondent, or witnesses will only be disclosed as reasonably necessary in connection with the investigation or as required by law or policy. The investigation may include, but is not limited to the following:

- A request for the Complainant to provide a written statement regarding the nature of the complaint;
- A request for the individual named in the complaint to provide a written statement;
- A request for witnesses identified during the course of the investigation to provide a written statement;
- Interviews of the Complainant, Respondent, or witnesses;
- An opportunity to present witnesses or other relevant information; and
- Review and collection of documentation or information deemed relevant to the investigation.

Within 60 working days, the equity coordinator shall complete the investigation and issue a report with respect to the findings.

The equity coordinator shall notify the Complainant and Respondent of the decision within 5 working days of completing the written report. Notification shall be by U.S. mail, first class.

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Decision and Appeal

The complaint is closed after the equity coordinator has issued the report, unless within 10 working days after receiving the decision, either party appeals the decision to the superintendent by making a written request detailing why he/she believes the decision should be reconsidered. The equity coordinator shall promptly forward all materials relative to the complaint and appeal to the superintendent. Within 30 working days, the superintendent shall affirm, reverse, amend the decision, or direct the equity coordinator to gather additional information. The superintendent shall notify the Complainant, Respondent, and the equity coordinator of the decision within 5 working days of the decision. Notification shall be by U.S. mail, first class.

The decision of the superintendent shall be final.

The decision of the superintendent in no way prejudices a party from seeking redress through state or federal agencies as provided by in law.

This policy and procedures are to be used for complaints of sexual harassment and discrimination, unless otherwise provided for in state law.

If any of the stated timeframes cannot be met by the district, the district will notify the parties and pursue completion as promptly as possible.

Retaliation against any person, because the person has filed a complaint or assisted or participated in an investigation, is prohibited. Persons found to have engaged in retaliation shall be subject to discipline by appropriate measures.

Legal Reference: 20 U.S.C. §§ 1221 *et seq.*
20 U.S.C. §§ 1681 *et seq.*
20 U.S.C. §§ 1701 *et seq.*
29 U.S.C. § 206 *et seq.*
29 U.S.C. § 794
42 U.S.C. §§ 2000d and 2000e.
42 U.S.C. §§ 12101 *et seq.*
34 C.F.R. Pt. 100.
34 C.F.R. Pt. 104.
Iowa Code §§ 216.6; 216.9; 256.11, 280.3.
281 I.A.C. 12.

Cross Reference: 101 Educational Philosophy of the School District
401.1 Equal Employment Opportunity
500 Objectives for Equal Educational Opportunities for Students
506.1 Student Records

Approved 08-17-92 Reviewed 1992, 1995, 2003, 2008, 2009, Revised 09-18-95, 11-17-03, 05-17-04, 10-27-08,
2012, 2014, 2015, 2016, 2017, 12-21-09, 03-19-12, 06-16-14, 11-16-15,
2018 06-06-16, 11-20-17, 06-18-18