

Complaint Procedure

This complaint procedure has been developed to handle complaints of discrimination, harassment, or sexual harassment. Employees, applicants for employment, parents, students, and volunteers can file a complaint. Briefly, the complaint procedure includes the following steps:

1. Complainants may talk to their building principal or immediate supervisor to try to resolve the problem informally, if the Complainant feels comfortable doing so. If the complaint is based upon the conduct of the Complainant's principal or immediate supervisor, or some other conflict of interest exists, the Complainant may contact that person's immediate supervisor. Complaints should be reported as soon as possible after the event giving rise to the complaint.

2. If the Complainant prefers to proceed with a formal complaint, or if the matter has not been informally resolved, he or she may file a complaint with the District by using this form: [StatementofComplaint](#). Formal complaints should be filed by the Complainant within 300 days after the event giving rise to the complaint or it is determined the complaint cannot be informally resolved.

3. Within 10 working days of receipt of the complaint, a designated investigator will begin the investigation. An investigation may include interviewing and taking a written statement from the Complainant, the Respondent(s) named in the complaint, and those witnesses who have been identified as having relevant information pertaining to the complaint. Relevant documentation and other evidence may also be collected and considered. District employees, students and volunteers shall fully and fairly cooperate in the investigation. During the investigation, the Complainant and a Respondent may elect to have a union representative, friend, counsel or any other individual present with them during interviews and subsequent meetings.

4. Within 30 working days of initiation of the investigation, the investigator shall complete the investigation and issue a written report including findings with respect to the individual allegations set out in the complaint and rendering an ultimate finding as to whether the greater weight of the evidence, based on the entire record, indicates the District's policies have been violated. Under some circumstances, when many individuals are involved in the investigation or an extensive legal review must be done or there are extenuating circumstances beyond the District's control, the investigation/findings process may be delayed, and the investigator will inform the Complainant of the expected date of completion beyond the 30 working days.

5. The District prohibits retaliation against an individual for filing a complaint. Any individual intentionally providing false information in a complaint investigation may be subject to disciplinary action.

In the event the investigator finds:

A. No violation of District policy, a summary of the findings will be shared by the investigator with the Complainant and the Respondent.

B. A violation of the District's policies or no violation of the District's policies but other inappropriate behavior on the part of the Respondent, the findings will be reviewed:

1. By the investigator with the Complainant and the Respondent; and
2. By the investigator and Respondent's principal or the immediate supervisor, the director responsible for Respondent, and a representative of Human Resources Management. The Respondent's principal or the Human Resources representative will inform the Respondent of any decision regarding disciplinary action.
3. If disciplinary action is warranted, documentation of the disciplinary action will be placed in the employee's file or the student's file. All other information regarding the case will be kept in confidential files. Any disciplinary consequences will be kept confidential.
4. The District has no jurisdiction to take disciplinary action over parents and volunteers. However, steps will be taken to ensure individuals do not continue to violate nondiscrimination policies on district property, school-related activities.

The complaint will be closed after the investigator has provided the information to the Complainant and the Respondent unless, within ten days of receipt of the final investigative report, either side files a written appeal to the superintendent setting out the reason(s) why they believe the decision should not stand.

In the event of an appeal, the Superintendent/designee shall review the written record and may meet with the appealing party. The Superintendent/designee may affirm, reverse, modify or remand the matter for further proceedings and shall, within twenty (20) days of the written appeal, confirm this decision in writing to the appealing party.

Except in the event of a termination of a certified employee, the Superintendent's/designee's decision shall be final.

The District Prohibits retaliation against an individual for filing a complaint, or assisting or participating in a complaint investigation, or opposing language or conduct that violates District policies, if the individual acted in good faith. Any individual found to have engaged in retaliation in connection with a complaint may be subject to disciplinary action. In addition, any individual intentionally providing false information in a complaint investigation may be subject to disciplinary action.

A parent or guardian who disagrees with the school district's decision regarding a student's identification, evaluation or educational placement of program accommodations under Section 504 of the Rehabilitation Act of 1973 has a right to an impartial, third party hearing. They may contact Shelly Bosovich, 504 Coordinator, 2100 Fleur Drive, Des Moines, Iowa 50321 or call (515) 242-7714 to make the arrangements.

The District will reasonably limit disclosure of information gathered in the course of receiving, investigating, and responding to a complaint filed under this policy, but cannot guarantee confidentiality to any party. Sensitive information will be handled in a manner consistent with the District's legal obligation, and with the necessity to investigate allegations of misconduct and to take corrective action when misconduct has occurred.

The District encourages individuals to use the internal complaint procedure. However, the Complainant may seek legal advice of his or her choosing or file a formal complaint with the Des Moines Human Rights Commission, the Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, the Office of Civil Rights of the United States Department of Education, or other agencies. If the Complainant seeks other avenues of redress, the District may choose not to conduct its internal complaint procedures.

[Click here to submit a Statement of Complaint](#)