Policy Title: Complaints of Discrimination / Harassment not Covered by Title IX Sexual Harassment Procedures

Code Number: AR103(b)

Procedures

Students, parents of students, employees and applicants for employment in the District have the right to file a formal complaint alleging discrimination/harassment.

The District has separate procedures for reports or complaints of sexual harassment governed by Title IX of the Education Amendments Act of 1972 (“Title IX”). Those procedures are found in AR 103(a). For reports or complaints of sexual harassment outside of the District’s Title IX jurisdiction, the District may follow any other applicable policy or procedure to respond to such a report or complaint. All complaints will be investigated and when necessary the District will take prompt and appropriate remedial action reasonably calculated to end any discrimination or harassment, prevent its recurrence and correct any discriminatory effects on the complainant and others. Steps shall be taken by the District to keep all investigations, reports and decisions confidential, except as needed for the investigation or as required by law or policy. There will be no retaliation against, or adverse treatment of, any individual because he or she submits a report or provides assistance to the District during the investigation of any report.

Where appropriate, a complainant may attempt to resolve the problem informally by discussing the matter with a Building Administrator 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 complaint procedure is not a prerequisite to the pursuit of other remedies.

This policy and procedure are to be used for complaints of discrimination in lieu of any other general complaint policies or procedures that may be available. If any of the stated timeframes cannot be met by the District, the District will notify the parties and pursue completion of the process as soon as possible.

Any required notifications under this policy may be sent by regular first-class mail and/or by email to an email address provided by a party.
Level One – Director of Human Resources, Building Administrator*

Complaints should be submitted within fifteen (15) days of the event which is the subject of the complaint, or as soon thereafter as is reasonably possible. Students and their parents/legal custodians and employees assigned to a specific school building, should make an appointment with the Building Administrator. Applicants for employment and employees who are not assigned to a specific school building should make an appointment with the Director of Human Resources. Every effort will be made to resolve the complaint informally at this level. The Director of Human Resources or Building Administrator shall provide a written response within five (5) working days after the initial report.

This level is optional and may be bypassed if the complainant wishes to file a formal complaint by following the procedure in Level Two.

Level Two – Director of Student Services and Equity Education/Title IX Coordinator*

If the complainant chooses to bypass Level One and proceed directly to Level Two, a written complaint, on Form 103-E must be submitted by the complainant to the Director of Student Services and Equity Education/Title IX Coordinator within fifteen (15) working days from the time the incident occurred, or as soon thereafter as reasonably possible. Form 103-E may be obtained from the Equity Office or on the District website and student handbook.

In appropriate circumstances, the Director of Student Services and Equity Education’s designee or an alternate may conduct the Level Two process.

In the event the complainant is not satisfied with a decision made at Level One, the complainant may appeal the decision using Form 103-E. The form must be submitted to the Director of Student Services and Equity Education/Title IX Coordinator, his/her designee, or designated alternate within five (5) working days after receipt of the response at Level One. Any party may request that a meeting concerning the complaint be held with the Level Two investigator, who may also request a meeting with any party. A parent, guardian or other counsel may accompany a minor student. The Director of Student Services and Equity Education/Title IX Coordinator, his/her designee, or designated alternate, will investigate the complaint and attempt to resolve it.

Within ten (10) working days after receipt of an initial complaint or an appeal from Level One, a written report from the Level Two investigator regarding the outcome of the investigation or appeal will be sent to the complainant, other involved parties, as well as the Superintendent.

Level Three – Superintendent*

In the event a party is not satisfied with the decision made at Level Two, the party may submit a written appeal to the Superintendent within five (5) working days after receipt of the Level Two report. The Level Two investigator shall promptly forward all materials relative to the complaint and appeal to the Superintendent. The Superintendent may request a meeting with any party to discuss the appeal. Within ten (10) working days after receipt of the written appeal, or within ten (10) working days after meeting with the parties, whichever is later, the Superintendent will send a decision in writing to the parties as well as the Level Two investigator. The Superintendent may affirm, reverse, or amend the Level Two decision, or direct the Level Two investigator to gather additional information. The decision of the Superintendent will be final.

The decision of the Superintendent in no way prejudices a party from seeking redress through local, state, or federal agencies as provided by law.
*This is applicable to all levels:

At no point should a complainant be required to make or submit a complaint to the individual they are alleging engaged in discriminatory or harassing conduct. In the event that the above process would require the complainant to do so, the complainant should make their complaint directly to Dr. Dora Jung, Director of Student Services and Equity Education/Title IX Coordinator at 627 4th Street, Sioux City, IA 51101, (712) 279-6075, jungd@live.siouxcityschools.com. If the complaint involves the Director of Student Services and Equity Education/Title IX Coordinator, the complaint may be made to any District administrator located in the Educational Service Center at 627 4th Street, Sioux City, IA 51101.

Policy Development
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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. § 621 et seq.
29 U.S.C. § 794
42 U.S.C. §§ 6101 et seq.
42 U.S.C. §§ 12101 et seq.
28 C.F.R. Pt. 35
29 C.F.R. Pt. 1600 et seq.
34 C.F.R. Pts. 100, 104, 106, 110
Iowa Code §§ 19B.11; 216.6, .9; 256.11; 280.3
281 I.A.C. 12, 95
Cross Reference: 103, AR103(a), AR103(c), 401.3, 504.4, 602.9