

Personnel

Series 400

Policy Title Harassment-Employees

Code No. 403.5

The Marshalltown Community School District is committed to providing a safe learning environment where **ALL** members of the school community are treated with dignity and respect. Harassment and intimidation of employees by Board members, administrators, employees, parents, students, vendors, and others doing business with the district will not be tolerated.

Under the First Amendment, a school is both safe and free when all members of the school community commit to addressing their differences with courtesy and respect. A safe school is free of harassment and a free school is safe for employee speech even about issues that divide us.

The board prohibits harassment, bullying, hazing, or any other victimization, of employees, based on any of the following actual or perceived traits or characteristics, including but not limited to, age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender, gender identity, physical attributes, physical or mental ability or disability, ancestry, political party preference, political belief, socioeconomic status, or familial status.

Harassment is any abusive and/or degrading behavior directed toward another person or group of persons that results in physical, emotional, or mental harm, damage to property, or substantially interferes with the working environment, or is severe, persistent, or pervasive that it creates an intimidating or threatening environment, or substantially disrupts the orderly operation of the school district. Harassment includes, but is not limited to:

- Derogatory words
- Hostile communications
- Demeaning drawings

- Lewd comments or gestures
- Damage to a person's property
- Threats
- Inappropriate touching (nonconsensual)

Sexual harassment includes, but is not limited to, unwelcome touching and sexual advances, requests for sexual favors, and other written, pictorial, verbal, or physical conduct when:

- a. submission to such conduct is made either implicitly or explicitly a term or condition of an individual's well-being;
- b. submission to or rejection of such conduct by an individual is used as the basis for evaluation or employment decisions affecting such individual; or
- c. such conduct has the purpose or effect of unreasonably interfering with an individual's work or creating an intimidating, hostile, or offensive working environment.

This policy is in effect while employees are on properties within the jurisdiction of the school district, as well as non-school district property if the employee is at a school-sponsored, school-approved, or school-related activity or function.

To reduce harassment and ensure a respectful school environment, the administration is responsible for providing notification to parents, students, vendors and employees regarding this policy, as well as on-going training for school officials, faculty, staff, and volunteers who have direct contact with employees. The training will include, but not be limited to:

- a. awareness of federally protected groups (race, color, sex, religion, age, national origin and disability) and other targeted groups (ethnicity, sexuality, sexual identity, socioeconomic status, physical appearance, and/or family structure), whether real or perceived;
- b. how to recognize and react to harassment; and

c. proven harassment prevention strategies.

The Superintendent or designee shall develop a plan for the delivery of annual on-going training.

The Marshalltown Community School District will promptly and reasonably investigate all allegations of harassment. Employees who have been the target of harassment and employees who have witnessed harassment should report such matters to the appropriate supervisor or administrator following the appropriate chain of command. The Superintendent or designee shall be the alternative investigator for harassment complaints. If, after an investigation, an employee is found to be in violation of this policy, the employee shall be disciplined by measures up to and including suspension, discharge, expulsion or other appropriate action.

Retaliation against an employee because the employee has filed an intimidation or harassment complaint or assisted in a harassment investigation is also prohibited. Further, employees who knowingly file false harassment complaints or give false statement in an investigation shall be subject to discipline by measure up to and including suspension and discharge, as shall any employee who is found to have retaliated against another in violation of this policy.

Adopted: March 8, 1993

Legal Reference:

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April 17, 2017

Amended: March 25, 1996  
August 21, 2006  
March 17, 2008  
April 21, 2008  
March 4, 2013  
October 17, 2016

Meritor Savings Bank v. Vinson, 477 U.S. 57 (1986).  
Hall v. Gus Const. Co., 842 F.2d 1010 (8th Cir. 1988).  
Lynch v. City of Des Moines, 454 N.W.2d 827 (Iowa 1990). 42 U.S.C. §§ 2000e *et seq.* (1988). 29 C.F.R. Pt.1604.11. (1990). Iowa Code § 216.9, 280.3 (1995).

Cross Reference: Nondiscrimination-600.1  
Employee Discipline-407.4, 413.3  
Abuse of Students by School District  
Employees-402.3  
Harassment-Students-504.14