

Purpose

The District is committed to promoting positive intercultural, intergroup relationships. The District, therefore, prohibits acts of intolerance or harassment toward others because of race, color, religion, creed, ethnic background, national origin, age, disability, sex, sexual orientation, gender identity, genetic information, or other factors that are likewise not reasonably related to the individual's employment.

Employees are expected to conduct themselves at all times in a manner which fosters an atmosphere of tolerance, mutual respect, and collaboration. The following will not be tolerated: verbal, nonverbal, physical or other acts, gestures, statements, and the like which place another employee in reasonable fear of harm to the employee or his/her property; has a detrimental effect on the employee's physical, emotional, or mental health; has the effect of substantially interfering with the employee's work performance; or creates an intimidating, offensive or hostile environment.

Sexual Harassment

General – It is the policy of the Cedar Falls Community School District to maintain a learning and working environment that is free from sexual harassment. Because of the District's strong disapproval of offensive or inappropriate sexual behavior at work, all employees, officials and visitors must avoid any action or conduct which could be perceived as sexual harassment. It shall be a violation of this policy for any employee, official or visitor of the District to harass others through conduct or communications of a sexual nature as defined below.

Definition – Sexual harassment shall consist of unwelcome sexual advances, requests for sexual acts or favors, and other verbal or physical conduct of a sexual nature where:

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 that individual; or
3. Such conduct is so sufficiently severe, persistent, or pervasive that it has the purpose or effect of substantially interfering with an individual's employment or creates an intimidating, hostile, or offensive employment environment.

Sexual harassment may include, but is not limited to the following:

- verbal or written harassment or abuse
- pressure for sexual activity
- repeated remarks to or about a person with sexual or demeaning implications
- unwelcome touching
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's job
- the telling or showing of offensive jokes and stories
- display of sexually graphic pictures

Harassment Complaint Procedures

Any employee who alleges improper harassment by any person in the District may follow the complaint procedures set forth in Policy 401.4. The complainant may bypass any step of the complaint procedure where the person to

whom the complaint is to be lodged is the alleged perpetrator. The complainant may file the initial complaint with the compliance officer, whose decision may be appealed to the superintendent or designee. Inquiries or complaints may also be directed to federal and state agencies including the Iowa Civil Rights Commission, the Equal Employment Opportunity Commission, and the Office of Civil Rights of the United States Department of Education.

The complainant may be required to complete a harassment complaint form and to turn over copies of evidence of harassment, including, but not limited to, letters, recordings, and pictures. The investigator shall promptly commence an investigation and proceed to completion. Both the complainant and the alleged perpetrator will be given an opportunity to give a statement. A written investigation report shall be completed, and a summary of the report “including a finding that the complaint was founded, unfounded, or inconclusive” will be forwarded to the complainant and to the alleged perpetrator.

Compliance Officer

The **executive** director of human resources shall be designated as the District’s compliance officer to insure that applicants and employees are treated in accordance with this policy. In the event the **executive** director of human resources is the alleged perpetrator, the director of secondary education shall be the alternate compliance officer.

Confidentiality

The right to confidentiality, both of the complainant and of the alleged perpetrator, will be respected to the extent possible consistent with the District’s legal obligations to investigate allegations of misconduct and to take corrective action when misconduct has occurred. Complaints of harassment shall not be filed in the complainant’s personnel file.

No Retaliation

No person shall retaliate against another person because the person has filed a harassment complaint, assisted or participated in an investigation, or has opposed language or conduct that violates this policy, as long as the participation or action was done in good faith.

Corrective Actions

The District will take action to halt any improper harassment or retaliation and will take other appropriate corrective actions to remedy all violations of this policy. This may include disciplinary measures, including discharge of a perpetrator.

Notification

Notice of this policy will be circulated on an annual basis and incorporated into staff handbooks.

Staff Development

Periodic training shall be provided all staff regarding the nature and prohibition of harassment.

Title IX: Discrimination and Harassment Based on Sex Prohibited

The District has separate procedures for reports or complaints of sexual harassment governed by Title IX of the Education Amendments Act of 1972. The policy governing such instances is Code No. 504.5.2: *Discrimination and Harassment Based on Sex Prohibited*. Procedures for addressing such reports or complaints are available as follows:

Electronically on the District website at www.cfschools.org/about-us/TitleIX

Paper copies are available in the administrative office and school counselor's office at each school as well as in the Human Resource Department in the Robinson Administration Center.

Date of Adoption: August 13, 2007

Date of Revision: September 8, 2008
June 10, 2013
August 8, 2016

DISCRIMINATION/HARASSMENT COMPLAINT FORM

Please complete the following as fully as possible. If you need assistance, contact the compliance officer.

Date of Complaint: _____

Name of Complainant: _____

Position and Building of Complainant: _____

Primary Address: _____

Primary Telephone: () _____ Email: _____

Name and Position of Alleged Perpetrator: _____

Discrimination Alleged:

- | | |
|--|---------------------------|
| _____ Race, Color | _____ Sexual Orientation |
| _____ Sex/Gender | _____ Age |
| _____ Religion, Creed | _____ Disability |
| _____ National Origin, Ethnic Background | _____ Gender Identity |
| _____ Other _____ | _____ Genetic Information |

Statement of Discrimination/Harassment: (Include dates, places and persons involved in incidents, if known. List any witnesses, their position, addresses and telephone numbers. Attach any pertinent written documents. Describe any actions you took in response to the incidents.)

I agree that all of the information on this form is given in good faith and is accurate and true to the best of my knowledge.

Signature: _____

Name Printed: _____

Date: _____

WITNESS STATEMENT

Date of Interview: _____

Interviewer: _____

Name of Person Giving Statement: _____

Position and Building of Witness: _____

Primary Address: _____

Primary Telephone: () _____ Email: _____

Statement: (Include dates, places and persons involved if known.)

I agree that all of the information on this form is given in good faith and is accurate and true to the best of my knowledge.

Signature: _____

Name Printed: _____

Date: _____

SUMMARY OF DISPOSITION OF DISCRIMINATION/HARASSMENT COMPLAINT

Name of Complainant: _____

Position and Building of Complainant: _____

Name and Position of Alleged Perpetrator/Respondent: _____

Date of Initial Complaint _____

Nature of Harassment Alleged:

| | | | |
|-------|------------------------------------|-------|---------------------|
| _____ | Race, Color | _____ | Sex/Gender |
| _____ | Sexual Orientation | _____ | Age |
| _____ | Religion, Creed | _____ | Disability |
| _____ | National Origin, Ethnic Background | _____ | Gender Identity |
| _____ | Other _____ | _____ | Genetic Information |

Summary of Investigation:

Conclusion: _____ Founded (The totality of the evidence reasonably demonstrates the actions occurred and constituted improper discrimination or harassment.)

_____ Unfounded (It is reasonable to believe that the actions complained of did not occur, or were not so serious or pervasive as to constitute improper discrimination or harassment.)

_____ Inconclusive

Signature

Typed or Printed Name

Position

Address

Date

Copies to:

_____ Complainant

_____ Alleged Perpetrator/Respondent

_____ Superintendent or Designee