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ZERO TOLERANCE POLICY

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Introduction

Today Governor Reynolds reiterates her commitment to zero tolerance for sexual harassment in the Executive Branch. These Zero Tolerance Guidelines are designed to provide further guidance on enforcement of prohibitions against sexual harassment by state employees. See Iowa Code §19B.12 (prohibits sexual harassment by state employees); Iowa Administrative Code 11-68.2(2) (requires each agency to adhere to the provisions of the “Policy Prohibiting Sexual Harassment for Executive Branch Employees” contained in Appendix B of the State Employee Handbook) (hereinafter collectively referred to as “Prohibited Sexual Harassment”).

Overview

The Executive Branch does not tolerate Prohibited Sexual Harassment and disciplinary action will result for any merit or non-merit employee who engages in such harassment. Certain Prohibited Sexual Harassment may violate federal and/or state anti-discrimination laws when it results in a tangible employment action or becomes so severe or pervasive that it creates a hostile work environment. Disciplinary action will be taken even when the Prohibited Sexual Harassment is not otherwise actionable under federal and/or state anti-discrimination laws.

Conduct Resulting in Automatic Termination

It is not possible to precisely specify in advance the discipline that will result in every situation that constitutes Prohibited Sexual Harassment. Some violations, however, are so serious that the employee’s employment will *always* be terminated, even if it is the employee’s first violation. Examples of the type of conduct that will result in automatic termination of employment include:

- Coerced sexual activity;
- Requesting or offering a sexual favor in return for job benefits;
- Conditioning work benefits on submission to a sexual advance;
- Giving preferential treatment because of another person’s submission to a sexual advance;
- Any action such as cornering, patting, pinching, touching or brushing against another person’s body that is sexual in nature;
- Purposefully displaying pornographic material to a co-worker that is unwelcome;
- Graphic sexual inquiry to a co-worker about that person’s sex life that is unwelcome; and
- Violence that involves actual or threatened use of physical force directed towards another person or group of persons under the Violence-Free Workplace Policy for Executive Branch Employees.

Non-Contractual

These Guidelines do not establish contractual rights or conditions of employment between the State and any employee nor do these Guidelines create or expand any liability the State may have beyond that which currently exists under federal and/or state law.