

IN THE COURT OF APPEALS OF IOWA

No. 0-553 / 09-1741
Filed January 20, 2011

HOK KIM,
Plaintiff-Appellant,

vs.

GRAND VIEW COLLEGE,
Defendant-Appellee.

Appeal from the Iowa District Court for Polk County, Glenn E. Pille, Judge.

Plaintiff appeals the district court's grant of summary judgment to defendant on her claims of racial discrimination. **AFFIRMED.**

Beth A. Townsend of Townsend Law Office, P.L.C., West Des Moines, for appellant.

Mark McCormick, James R. Swanger, Michael R. Reck, and Kelsey J. Knowles of Belin McCormick, P.C., Des Moines, for appellee.

Considered by Vogel, P.J., Vaitheswaran, J, and Huitink, S.J.*

*Senior judge assigned by order pursuant to Iowa Code section 602.9206 (2011).

HUITINK, S.J.**I. Background Facts & Proceedings**

The summary judgment record discloses undisputed evidence of the following facts: Hok Kim was hired by Grand View College (GVC) in 2002 as a tenure-track associate professor in the math department. Kim is a native of Korea. At the time she was hired, the other professors in the math department were Sergio Loch, Edwin Oltmanns, and William Shutters. Loch was born in Brazil, while Oltmanns and Shutters are natives of the United States.¹ Another employee of the department was Donna Mohr. Unlike the other professors, Mohr did not have a Ph.D., and she was under a special contract to teach remedial math classes.

Beginning in November 2002, Kim made complaints to the provost of the college, Ronald Taylor, concerning discriminatory statements made by other faculty members.² Examples of the statements she complained about were that Oltmanns stated he did not like Korea when he was stationed there in the Army and he made negative comments about Korean people. She asserted he said that in the past people believed women should be barefoot and pregnant in the kitchen, and “I am the master of the race since I have blue eyes and blond hair.” She alleged LeRoy Doidge, a professor in another department, called her “yellow,” stated “I thought Asians used the stairs,” and agreed with the statement

¹ Kim considered all three male members of the math department to be Caucasian.

² Kim also stated a retired faculty member she met at a social function called African-Americans “Negroes.” Because this statement was made by a person who had retired prior to Kim’s employment at GVC, and this person had no influence on decisions made at GVC during Kim’s employment, we do not consider it.

about barefoot and pregnant women.³ Furthermore, she stated Michelle Ruse, a professor in another department, referred to an Asian homosexual as a “rice queen.”⁴ Kim also made numerous complaints about actions and statements by others that did not indicate any direct racial bias.⁵

Although Kim brought her complaints to Taylor, she asked him not to conduct an investigation or take any disciplinary action against anyone. She stated she wanted the complaints to remain confidential. Kim rejected his offer to bring in a sensitivity trainer. As Kim’s complaints continued, in 2004 Taylor hired a mediator to work with the math department. Taylor also personally attended math department meetings. Eventually, Taylor informed Kim “[i]f you have concerns that have not been adequately addressed, you need to utilize the avenues available within the College for reporting such concerns.”

In 2005 Kim wrote a letter to Taylor stating she believed she had received biased treatment, but again asked him to keep the letter in confidence. Taylor arranged to bring a diversity and sensitivity trainer to the campus. He enlisted Erica Kluver of the GVC human resources department to assist in scheduling

³ Doidge denied making the statements attributed to him. He stated he heard someone else make the statement about barefoot and pregnant women, but he did not agree to it.

⁴ Ruse stated she had a friend who was a homosexual who referred to his significant other in this way, and she related this information to Kim.

⁵ In addition to the racial statements we have already discussed, Kim’s complaints included: (1) she was not informed of a math club meeting; (2) the department secretary made negative comments about coworkers and was not helpful to her; (3) Shutters stated Loch should go back to Brazil if he was unhappy here, and Shutters discussed foreign accents; (4) she had numerous conflicts with Loch about the math department, and he spoke negatively about her; (5) Oltmanns and Loch rejected her proposals for the math department; (6) she taught more night classes than the other professors; (7) she was asked to teach classes outside her specialty, such as statistics; and (8) in the past she had not received as many student advisees as she wanted.

training. Kluver brought in a person to make a presentation on proper behavior and harassment.

In November 2005, Kim provided material to Kluver regarding her claims of biased treatment, but indicated she did not wish to have Kluver investigate. Kluver informed Kim she could not ignore the complaints and intended to determine whether the college's policies had been violated. Kluver told Kim the college would not tolerate discrimination or harassment.

On December 4, 2005, Kim filed a formal complaint alleging she had been "discriminated against based on race, sex, age, national origin, and/or marital status." Her complaint included the matters she had been discussing with Taylor since 2002. After an investigation, including interviews with those named in the complaint, Kluver concluded:

Despite Professor Kim's numerous allegations, I was unable to corroborate virtually any of them. The witnesses that Professor Kim identified generally did not support Professor Kim's claims and, where they did support them, conveyed a much different version than did Professor Kim. . . . Further, even accepting Professor Kim's allegations as true, they would not appear to rise to the level necessary to identify a hostile work environment. Nor has any adverse action been taken toward Professor Kim. She has been recommended and approved for both promotion and tenure.

Kluver noted Kim was "less than cooperative and came across as evasive" during the investigation. Kluver recommended denying the grievance.

Scott Bock, the vice president of the college, denied Kim's grievance. As a result of the grievance, however, Oltmanns was informed his comments were "inappropriate." GVC reiterated its policies to the faculty and stated its expectations going forward. It also engaged in additional diversity and sexual harassment training for the faculty. As noted above, Kim was promoted to

assistant professor and granted tenure. Furthermore, she was offered the position of department chair of the math department, but she turned it down.

Kim filed a second grievance on May 25, 2007, claiming “I am working in a hostile working environment, that I am treated less favorably than Caucasians, and that I am being retaliated against because of my complaints.” Kim claimed: (1) Oltmanns called a meeting with short notice, and she was not able to attend; (2) at the meeting Loch told another faculty member, Sheryl Leytham, of statements made by Kim, causing some conflict with Leytham; (3) Taylor was more willing to change his schedule to meet with Oltmanns and Loch than with her; (4) someone put gum on her car window; (5) she was given differing rules on how to deal with a disruptive student in her class; (6) a new instructor rotation schedule was not favorable to her; (7) Mohr’s special teaching contract interfered with Kim’s ability to exercise her seniority in regard to class scheduling; (8) the college would not pay for classes for her to become a CPA; (9) a security company installed a security scanning device near her door; (10) she purchased her own calculator and chalk holders, and years later the department changed its policy and purchased those items for faculty members; (11) she had more negative documents in her personnel file than her colleagues; (12) she had few student advisees, even though she requested to be assigned more; and (13) the math department meetings were scheduled at a time inconvenient to her.⁶

⁶ While the investigation into these claims was ongoing, Kim added a complaint that a religious pamphlet was left in her mailbox. Kluver found other faculty members had received the same pamphlet, and there did not appear to be any intent to single out Kim based on her race or gender.

Kliver investigated these complaints and interviewed those involved. She concluded “there is no evidence that any decisions that have been made and carried out are a result of her race, her gender, or in retaliation against her.” For example, she found all of the professors received late notice of the math meeting. Also, all of the math professors had input in developing the new instructor rotation schedule, and the department voted to accept the new schedule. Kliver noted there were significant frictions in the math department, stating “[t]heir behavior towards each other is less than admirable and often times unprofessional but there is no evidence that anything that has taken place is a result of racial or retaliatory motivations.” Bock denied Kim’s second grievance, stating “I cannot see any basis for concluding that these policies were applied to you based on your race, gender, or prior complaints.”

On July 23, 2007, Kim filed a complaint with the Iowa Civil Rights Commission, alleging she had been discriminated against based on her race, national origin, sex, and due to retaliation. She stated, “Since I have [been] working for Grand View College in August 2002 I have been treated differently from my Caucasian peers and have been harassed by the Science Division/Mathematics Department employees including the supervisors because of my race.” She stated the most recent incident was that she had been scheduled to teach the least desirable classes. Kim stated, “I know the college is not investigating or interviewing anyone with regard to my complaints nor have they taken steps to stop the discriminatory practices of my department.”

Kim filed a third grievance with GVC on November 12, 2007. She alleged the following incidents reflected discrimination against her: (1) as a student

advisor, Loch waived the prerequisites for some students in her class, but refused to waive the prerequisites for other students wanting to take her class; (2) the division head, Paul Rider, treated her less favorably than Loch; (3) school administration allowed too many students to enroll in one of her classes; and (4) in considering an employee to replace Shuttles, who was retiring, the math department was not considering minority candidates.⁷ She stated Loch expressed an interest in hiring someone from Iowa or the Midwest, and she assumed this meant a Caucasian.

Kliver found no evidence of discriminatory or retaliatory conduct. Kliver concluded, “these seem like everyday issues that all faculty experience.” She noted the math department had not hired anyone, or even interviewed anyone, at that time. Bock denied Kim’s third grievance, stating, “without evidence, the College is not willing to attribute every disagreement, dislike for enrollment patterns, personal conflicts or academic disagreement to racially improper motives.”

On January 25, 2008, Kim filed a fourth grievance stating Oltmanns had again “referred to himself as ‘the master race because he has blue eyes and blond hair.’” Oltmanns admitted making the statement, although he stated he was referring to a historical belief and not his own personal belief. Because Oltmanns had previously been warned about this very same conduct GVC decided to take the strongest possible disciplinary action against him. Despite

⁷ The other professors in the math department believed the minority candidates championed by Kim either did not have a Ph.D., or did not have a visa to be able to work in the United States.

the fact that Oltmanns was a tenured faculty member, he was told to either resign or steps would be taken to discharge him. Oltmanns agreed to leave the college.

The Iowa Civil Rights Commission issued an administrative release to Kim in January 2008. She filed an action against GVC and Loch on March 12, 2008, raising claims of racial harassment, racial discrimination, and retaliation. Defendants filed a motion for summary judgment. Kim did not contest the grant of summary judgment to Loch.⁸

The court granted the motion for summary judgment as to GVC, finding:

[A]lthough the Court acknowledges the Plaintiff's legal assertion that the Court must give the Plaintiff the benefit of all *reasonable inferences*, the Court concludes there are simply insufficient facts to generate the *reasonable inferences* needed to survive the Defendant's Motion for Summary Judgment. . . . The Plaintiff simply makes general conclusions about continued harassment without sufficient and necessary specific evidentiary support as to gender-or-race-based discriminatory events.

The court found Kim had not shown a hostile work environment, because this cause of action is limited to extreme working conditions, which were not present here. On the issue of racial discrimination, the court found Kim had not shown she had been denied any significant benefit. Also, she did not show any connection between decisions by the math department and her race. Finally, on the issue of retaliation, the court found Kim did not show adverse employment action. Kim appeals the decision of the district court.

⁸ Kim's claims against Loch are not part of the present appeal.

II. Standard of Review

We review the district court's ruling on a motion for summary judgment for the correction of errors at law. See Iowa R. App. P. 6.907 (2009). Under Iowa Rule of Civil Procedure 1.981(3), summary judgment is proper only when the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. *Smidt v. Porter*, 695 N.W.2d 9, 14 (Iowa 2005). The court views the record in the light most favorable to the nonmoving party. *Id.* In determining whether there is a genuine issue of material fact, the court affords the nonmoving party every legitimate inference the record will bear. *Id.* Even when the facts are undisputed, summary judgment is inappropriate if reasonable minds could draw different inferences from those facts. *Frontier Leasing Corp. v. Links Eng'g, L.L.C.*, 781 N.W.2d 772, 775-76 (Iowa 2010).

III. Reasonable Inferences

Kim first contends the district court erred by making factual findings in favor of GVC and by failing to give her the benefit of all reasonable inferences.

We note that “[w]hen a motion for summary judgment is properly supported, the nonmoving party is required to respond with specific facts that show a genuine issue for trial.” *Green v. Racing Ass'n of Cent. Iowa*, 713 N.W.2d 234, 245 (Iowa 2006). A party may not merely rest upon the allegations in the pleadings, but must set forth specific facts showing there is a genuine issue of material fact. *Hlubek v. Pelecky*, 701 N.W.2d 93, 95 (Iowa 2005). Inferences may be drawn in favor of the party opposing the summary judgment only if they are rational, reasonable, and otherwise permissible under the governing substantive law. *Butler v. Hoover Nature Trail, Inc.*, 530 N.W.2d 85,

88 (Iowa Ct. App. 1994). An inference, however, must not be based on speculation or conjecture. *Fitzgerald v. Salsbury Chem., Inc.*, 613 N.W.2d 275, 287 (Iowa 2000).

As we address the issues raised in this case, we will consider whether the district court gave Kim every legitimate inference the record will bear, keeping these proscriptions regarding inferences in mind.

IV. Hostile Work Environment

To establish a claim of a hostile work environment, Kim was required to show: (1) she belonged to a protected group; (2) she was subjected to unwelcome harassment; (3) the harassment was based on a protected characteristic; and (4) the harassment affected a term, condition, or privilege of employment. See *Boyle v. Alum-Line, Inc.*, 710 N.W.2d 741, 747-48 (Iowa 2006) (finding similar elements for a claim of a hostile work environment under State or federal law). Additionally, if the harassment is perpetrated by a nonsupervisory employee, the plaintiff must show the employer knew or should have known of the harassment and failed to take proper remedial action. *Id.* at 747.

A hostile work environment is present “[w]hen the workplace is permeated with ‘discriminatory intimidation, ridicule, and insult’ that is ‘sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment.’” *Farmland Foods, Inc. v. Dubuque Human Rights Comm’n*, 672 N.W.2d 733, 743 (Iowa 2003) (quoting *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21, 114 S. Ct. 367, 370, 126 L. Ed. 2d 295, 301 (1993)).

To show harassment was severe or pervasive, Kim must show not only that she perceived the conduct was abusive, but that a reasonable person would

find the conduct to be abusive or hostile. See *id.* at 744. On this objective test, factors to consider include: (1) the frequency of the conduct; (2) the severity of the conduct; (3) whether the conduct was physically threatening or humiliating or whether it was merely offensive; and (4) whether the conduct unreasonably interfered with the employee's job performance. *Id.* at 744-45. A claim of a hostile work environment must be based on ongoing and repeated conduct, not just isolated events. *Boyle*, 710 N.W.2d at 747.

A plaintiff must show that workplace intimidation, ridicule, and insult were motivated by the plaintiff's membership in a protected group. *Farmland Foods*, 672 N.W.2d at 745. The use of racial epithets may support an inference that racial animus motivated other conduct. *Id.* On the other hand, "occasional criticism of an employee's work performance by a supervisor, absent references or another nexus to race or national origin, does not amount to racial harassment." *Id.*

Kim presented evidence of racial epithets by Doidge and Ruse.⁹ These were professors in different departments. She does not allege any conduct by

⁹ On the issue of a hostile work environment, the district court found that the matters in Kim's first grievance were barred by the statute of limitations found in Iowa Code section 216.15(12) (2007), at the time she filed a claim with the Iowa Civil Rights Commission on July 23, 2007. In a claim of a hostile work environment, however, it makes no difference if some of the acts fall outside the period of limitation. *Id.* at 741. "As long as 'an act contributing to the claim occurs within the filing period, the entire time period of the hostile environment may be considered by a court for the purposes of determining liability.'" *Id.* (quoting *National R.R. Passenger Corp. v. Morgan*, 536 U.S. 101, 117, 122 S. Ct. 2061, 2074, 153 L. Ed. 2d 106, 124 (2002)). We conclude the matters in Kim's first grievance may be considered in determining whether there was a hostile work environment.

The court also found Kim's fourth grievance was not presented to the civil rights commission and therefore was not properly before the court. The court went on to conclude "even if one ignores that statute of limitations and administrative exhaustion

Doidge and Ruse affected a term, condition, or privilege of employment. The conduct she objected to primarily related to other members of the math department, but also included some members of school administration. Kim is attempting to show, however, that racial epithets by one group of people, and conduct by another group of people, means the conduct of the second group is racially motivated. This is not a reasonable inference. See *Butler*, 530 N.W.2d at 88 (stating inferences must be reasonable). Kim has failed to show a sufficient nexus between the conduct she complained of in her grievances and the racial language used by Doidge and Ruse.

Kim also presented evidence of racially-motivated language by Oltmanns. We note that on both occasions when Oltmanns made statements referring to the “master race,” GVC promptly responded. On the first occasion Oltmanns was verbally counseled not to make those sorts of statements. On the second occasion, he was asked to leave his employment. An employer is not liable for harassment if it takes prompt and remedial action to deal with the harassment. See *Vaughn v. Ag Processing, Inc.*, 459 N.W.2d 627, 635 (Iowa 1990).

The district court additionally granted GVC’s motion for summary judgment on the issue of a hostile work environment based on a finding Kim had not shown the extreme working conditions necessary to constitute a change in the terms and conditions of her employment. See *Faragher v. City of Boca Raton*, 524 U.S. 775, 788, 118 S. Ct. 2275, 2284, 141 L. Ed. 2d 662, 677 (1998)

problems, the Plaintiff has failed to present sufficient evidence to survive the Defendant’s Motion for Summary Judgment.” Thus, even if the district court erred on the statute of limitations issue, it still considered all of Kim’s claims, and any error was not prejudicial to her. We, also, will consider all of the claims Kim raised in her grievances.

“We have made it clear that conduct must be extreme to amount to a change in the terms and conditions of employment”); *Cross v. Prairie Meadows Racetrack & Casino, Inc.*, 615 F.3d 977, 981 (8th Cir. 2010) (“Actionable conduct must therefore be extreme rather than merely rude or unpleasant.”). “Allegations of a few isolated or sporadic incidents will not suffice; rather, the plaintiff must demonstrate the alleged harassment was ‘so intimidating, offensive, or hostile that it poisoned the work environment.’” *Carpenter v. Con-Way Cent. Express, Inc.*, 481 F.3d 611, 618 (8th Cir. 2007) (citation omitted).

Kim’s allegations do not rise to the level of extreme working conditions which would show a hostile work environment. “[T]he ordinary tribulations of the workplace, such as the sporadic use of abusive language, gender-related jokes, and occasional teasing,” do not present a hostile work environment. *Faragher*, 524 U.S. at 788, 118 S. Ct. at 2284, 141 L. Ed. 2d at 677. Conduct that is merely offensive, immature, or unprofessional is not sufficient. *Kratzer v. Rockwell Collins, Inc.*, 398 F.3d 1040, 1047 (8th Cir. 2005). Our review of Kim’s grievances shows her complaints do not surpass the “ordinary tribulations of the workplace.” We affirm the district court’s grant of summary judgment on the issue of a hostile work environment.

V. Racial Discrimination

A. On the issue of race discrimination, Kim’s arguments are based on the direct evidence method of proving discrimination. See *Smidt*, 695 N.W.2d at 14 (noting a discrimination case may be proven by direct evidence of discriminatory intent or the burden-shifting framework of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792, 93 S. Ct. 1817, 36 L. Ed. 2d 668 (1973)).

Under the direct method, a plaintiff must demonstrate that an employer used a forbidden consideration with respect to any employment practice. *Desert Palace, Inc. v. Costa*, 539 U.S. 90, 101, 123 S. Ct. 2148, 2155, 156 L. Ed. 2d 84, 96 (2003). The United States Supreme Court has held “direct evidence of discrimination is not required in mixed-motive cases.” *Id.* Instead, a plaintiff must show by a preponderance of the evidence that a forbidden characteristic, such as race, was a motivating factor in the adverse employment action. *See id.*, 123 S. Ct. at 2155, 156 L. Ed. 2d at 95; *see also Deboom v. Raining Rose, Inc.*, 772 N.W.2d 1, 13-14 (Iowa 2009) (noting that in discrimination cases, a plaintiff must show her status as a member of a protected class was a motivating factor in the decision to impose adverse employment action).

“An essential element of a claim for racial discrimination in employment is that the claimant suffers an adverse employment action.” *Farmland Foods*, 672 N.W.2d at 741. Adverse employment action detrimentally affects the terms, conditions, or privileges of employment. *Estate of Harris v. Papa John’s Pizza*, 679 N.W.2d 673, 679 (Iowa 2004). Adverse employment action includes “disciplinary demotion, termination, unjustified evaluations and reports, loss of normal work assignments, and extension of probationary period.” *Channon v. United Parcel Serv., Inc.*, 629 N.W.2d 835, 863 (Iowa 2001) (citation omitted).

It is insufficient to show changes in duties or working conditions that do not cause materially significant disadvantages to the employee. *Id.* at 862. Minor changes in working conditions that only amount to an inconvenience cannot support discrimination. *Farmland Foods*, 672 N.W.2d at 742. “[A]n employment action is not adverse merely because the employee does not like it

or disagrees with it.” *Id.* Temporary job assignments that do not affect an employee’s permanent job title or classification are not generally considered adverse employment action. *Id.* at 743.

A wide variety of actions can qualify as adverse employment action. *Channon*, 629 N.W.2d at 863. There may be adverse employment action without loss of money or benefits. *Id.* A plaintiff could even receive an increase in pay if there was other detrimental action, such as a loss of supervisory status, or the loss of chance for promotion. *Id.* at 863-64.

The district court found Kim had not set forth evidence that would show adverse employment action. As the court noted, “work assignment claims that do not affect an employee’s permanent job title or classification will not normally be actionable as adverse.” *See Farmland Foods*, 672 N.W.2d at 743.

We find no error in the district court’s conclusion. Kim was granted tenure and given a promotion while at GVC. She was offered the position of chair of the math department. Considering Kim’s complaints in the light most favorable to her, she has still not shown disadvantages in her employment that were material, significant, or permanent. Her complaints show only that she was unhappy with class scheduling and other similar matters.¹⁰ She has not set forth facts that could establish adverse employment action.

¹⁰ We will review again here some of the complaints raised by Kim: (1) she was not informed of a math club meeting; (2) the department secretary made negative comments about coworkers and was not helpful to her; (3) Shuttles stated Loch should go back to Brazil if he was unhappy here, and Shuttles discussed foreign accents; (4) she had numerous conflicts with Loch about the math department, and he spoke negatively about her; (5) Oltmanns and Loch rejected her proposals for the math department; (6) she taught more night classes than the other professors; (7) she was asked to teach classes outside her specialty, such as statistics; (8) in the past she had

B. In the topic heading for her claim of racial discrimination, Kim asserts, “[t]he district court erred in holding that plaintiff failed to generate material factual issues on the elements of a prima facie case of racial discrimination.” We will therefore address the alternative method of establishing a discrimination claim under the burden-shifting analysis of *McDonnell Douglas*, 411 U.S. at 802-04, 93 S. Ct. at 1824-25, 36 L. Ed. 2d at 677-79.

In order to establish a prima facie case of discrimination, Kim would need to show (1) she was a member of a protected class, (2) she was performing her work satisfactorily, and (3) she suffered an adverse employment action. See *Farmland Foods*, 672 N.W.2d at 743 n.1. The employer must then set forth some legitimate, nondiscriminatory reason for its action. *Vaughn v. Must*, 542 N.W.2d 533, 538 (Iowa 1996). “If the defendant satisfies his burden of asserting a legitimate explanation, the burden then shifts to the plaintiff to prove the

not received as many student advisees as she wanted; (9) Oltmanns called a meeting with short notice, and she was not able to attend; (10) at the meeting Loch told another faculty member, Sheryl Leytham, of statements made by Kim, causing some conflict with Leytham; (11) Taylor was more willing to change his schedule to meet with Oltmanns and Loch than with her; (12) someone put gum on her car window; (13) she was given differing rules on how to deal with a disruptive student in her class; (14) a new instructor rotation schedule was not favorable to her; (15) Mohr’s special teaching contract interfered with Kim’s ability to exercise her seniority in regard to class scheduling; (16) the college would not pay for classes for her to become a CPA; (17) a security company installed a security scanning device near her door; (18) she purchased her own calculator and chalk holders, and years later the department changed its policy and purchased those items for faculty members; (19) she had more negative documents in her personnel file than her colleagues; (20) she had few student advisees, even though she requested to be assigned more; (21) the math department meetings were scheduled at a time inconvenient to her; (22) as a student advisor, Loch waived the prerequisites for some students in her class, but refused to waive the prerequisites for other students wanting to take her class; (23) the division head treated her less favorably than Loch; (24) school administration allowed too many students to enroll in one of her classes; and (25) in considering an employee to replace Shutters, who was retiring, the math department was not considering minority candidates.

asserted reason is merely pretext and that the discriminatory motive played a substantial part in the actions taken.” *Id.*

Under this analysis as well, Kim must show she suffered an adverse employment action. We have already determined Kim has failed to set forth facts that would establish adverse employment action. We affirm the grant of summary judgment to GVC on the issue of racial discrimination.

VI. Retaliation

To establish a prima facie case of retaliation, a plaintiff must show: (1) the plaintiff engaged in protected activity; (2) the employer took adverse employment action against the plaintiff; and (3) there was a causal connection between the protected activity and the adverse employment action. *Estate of Harris*, 679 N.W.2d at 678. Once the plaintiff establishes a prima facie case, the burden shifts to the employer to rebut a presumption of retaliation. *Id.*

Adverse employment action may be shown through such things as a reduction of hours, increased scrutiny of an employee’s work, and a reduction in pay and benefits. See *City of Hampton v. Iowa Civil Rights Comm’n*, 554 N.W.2d 532, 536 (Iowa 1996). The district court determined Kim had “simply failed to present sufficient evidence to show the adverse action necessary for a retaliation claim.”

As with the claim of racial discrimination, we conclude Kim has failed to show the employer took adverse employment action against her. She has not alleged facts that would show GVC took action that would materially, significantly, and permanently affect the terms, conditions, or privileges of her

employment to her detriment. We affirm the decision of the district court on the issue of retaliation.

After carefully considering all of the issues raised in this appeal, we affirm the district court's grant of summary judgment to GVC in this case.

AFFIRMED.