

Internal Policies and Procedures of the Utah State Board of Education	
Policy	04-01
Subject	Abusive Conduct Prevention
Date	April 1, 2022
Policy Owner	Director of Human Resources
Policy Officer	Deputy Superintendent of Operations
References	DHRM Administrative Rule R477-16. Abusive Conduct Prevention

I. PURPOSE AND SCOPE:

1. The purpose of this policy is to provide a work environment free from abusive conduct.
2. This policy applies to all USBE employees, contractors, interns, and volunteers (collectively referred to as “USBE employees” throughout this policy).

II. POLICY:

1. It is our policy to provide a work environment free from abusive conduct.
2. Abusive conduct includes physical, verbal, or nonverbal conduct, such as derogatory remarks, insults, or epithets made by an employee that a reasonable person would determine:
 - a. was intended to cause intimidation, humiliation, or unwarranted distress;
 - b. exploits a known physical or psychological disability; or
 - c. results in substantial physical or psychological harm caused by intimidation, humiliation, or unwarranted distress.
3. For additional information on behaviors that may constitute harassment or discrimination, please reference USBE’s 04-02 Workplace Harassment and Discrimination Policy.
4. The following actions do not constitute abusive conduct unless they are especially severe and egregious:
 - a. single act;
 - b. appropriate disciplinary or administrative actions;
 - c. appropriate coaching or work-related feedback;
 - d. reasonable work assignments or job reassignments; or
 - e. reasonable differences in styles of management, communication, expression, or opinion.
5. An employee may be subject to discipline for violating workplace policies, even if:
 - a. the conduct occurs outside of scheduled work time or work location; or
 - b. the conduct is not sufficiently severe to constitute a violation of law.
6. Once a complaint has been filed, the accused may not communicate with the complainant regarding allegations in the complaint.
7. No person may retaliate against any employee who opposes a practice forbidden under this policy, or has filed a charge, testified, assisted, or participated in any

manner in an investigation, proceeding, or hearing, or is otherwise engaged in protected activity.

III. **PROCEDURES:**

Reporting Procedure

1. Management shall permit employees to file complaints and engage in a review process free from bias, collusion, intimidation, or retaliation.
2. Employees who feel they are being subjected to abusive conduct or related retaliation should:
 - a. document the occurrence;
 - b. continue to report to work; and
 - c. identify witnesses, if applicable.
3. An employee shall file a written complaint with their immediate supervisor, any other supervisor in their direct chain of command, or the Division of Human Resource Management, including the agency human resource field office.
4. Complaints may be submitted by any employee, witness, volunteer, or other individual.
5. Any supervisor who has knowledge of abusive conduct or retaliation shall take immediate, appropriate action in consultation with DHRM and shall document the action.
6. Any complaints of abusive conduct shall be acted upon following receipt of the complaint.

Investigative Procedure

1. If management determines that an immediate investigation by agency management is unwarranted, management shall notify the complainant.
2. When warranted, investigations shall be conducted based on DHRM standards and business practices.
3. Results of Investigation
 - a. If an investigation finds the allegations to be sustained, agency management shall take appropriate administrative action.
 - i. Administrative actions may include, but are not limited to, termination of employment, cancellation of contracts, or other actions as deemed appropriate and in line with any relevant Memorandums of Understanding (MOU).
 - b. If an investigation reveals evidence of criminal conduct, the agency head or Executive Director, DHRM, may refer the matter to the appropriate law enforcement agency.
4. Participants in any conduct investigation shall treat any information pertaining to the case as confidential.

Abusive Conduct Records

1. Records will be maintained by DHRM for seven years after the case is closed.

Required Training

1. All USBE employees, interns, and volunteers shall complete the DHRM-required training on the prevention of abusive conduct, workplace harassment, and discrimination within two weeks of hire, and every two years after. DHRM training is found at: <https://dhrm.utah.gov/training/statewide-required-training>
2. Training records shall be submitted to DHRM including who provided the training, who attended the training, and when they attended it.

IV. HISTORY:

This policy supersedes the former Unlawful Harassment (10/6/2010), Retaliation (4/21/2010), and Workplace Violence (5/9/2011) policies.