

04-02. Workplace Harassment and Discrimination Policy

Internal Policies and Procedures of the Utah State Board of Education	
Policy	04-02
Subject	Workplace Harassment and Discrimination Prevention
Date	April 1, 2022
Policy Owner	Director of Human Resources
Policy Officer	Deputy Superintendent of Operations
References	DHRM Administrative Rule R477-15. Workplace Harassment Prevention

I. Purpose and Scope

- The purpose of this policy is to provide a work environment free from harassment, discrimination, and retaliation.
- This policy applies to all USBE employees, board members, contractors, interns, and volunteers (collectively referred to as “USBE employees” throughout this policy).

II. Policy

- It is our policy to provide a work environment free from harassment and/or discrimination based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, or protected activity or class under state or federal law.
- Workplace harassment includes the following subtypes:
 - conduct that is unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive, and results in a hostile, offensive, or intimidating work environment; and
 - conduct that results in a tangible employment action against the harassed employee.

For additional information on behaviors that may constitute abusive conduct, please reference USBE’s 04-01 Abusive Conduct Policy.

- An employee may be subject to discipline for violating workplace policies, even if:
 - the conduct occurs outside of scheduled work time or work location; or
 - the conduct is not sufficiently severe to constitute a violation of law.
- Once a complaint has been filed, the accused may not communicate with the complainant regarding allegations in the complaint.
- 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

- Management shall permit employees to file complaints and engage in a review process free from bias, collusion, intimidation, or retaliation.
- Employees who feel they are being subjected to workplace harassment, discrimination, or related retaliation should:
 - document the occurrence;
 - continue to report to work; and
 - identify witnesses, if applicable
- An employee may file an oral or 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.
- Complaints may be submitted by any employee, witness, volunteer, or other individual.
- Any supervisor who has knowledge of harassment, discrimination and/or retaliation shall take immediate, appropriate action in consultation with DHRM and shall document the action.
- Any complaints of harassment, discrimination, or abusive conduct shall be acted upon following receipt of the complaint.

Investigative Procedure

- If management determines that an immediate investigation by agency management is unwarranted, management shall notify the complainant.
- When warranted, investigations shall be conducted based on DHRM standards and business practices.
- Results of Investigation
 - If an investigation finds the allegations to be sustained, agency management shall take appropriate administrative action.
 - 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).
 - 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.

- At the conclusion of the investigation, the appropriate parties shall be notified.
- Participants in any conduct investigation shall treat any information pertaining to the case as confidential.

Workplace Harassment Records

- A separate, confidential file of any workplace harassment and retaliation complaints shall be maintained and stored in the agency human resource field office, or in the possession of an authorized official.
 - Files shall be retained in accordance with the retention schedule after the active case ends.
 - Any information contained in the complaint file shall be classified as protected.
 - No person may release information contained in the workplace harassment and retaliation file unless the agency head or Division Director, DHRM, determines the release is required by law.
- Supervisors may not keep separate files related to complaints of workplace harassment or retaliation.
- Participants in any workplace harassment or retaliation proceeding shall treat any information pertaining to the case as confidential.

Required Training

- All USBE employees, interns, and volunteers shall complete the DHRM-required training on the prevention of workplace harassment, discrimination, and abusive conduct within two weeks of hire, and every two years after. DHRM training is found at: <https://dhrm.utah.gov/training/statewide-required-training>
- 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.