

Utah County Human Resource Management Policy 4-4500: Workplace Harassment

Purpose

It is the purpose of this Policy to set forth for employees the expectations, responsibilities, and consequences associated with workplace harassment. Utah County considers workplace harassment in all forms to be a serious offense which will not be tolerated. Utah County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the County should be characterized by mutual trust and the absence of intimidation, oppression and exploitation.

I. Policy

- A. Utah County prohibits unlawful discrimination or harassment of any kind. Through enforcement of this policy and by education of employees, Utah County seeks to prevent, correct and discipline behavior that violates this policy.
- B. Under federal and Utah state law and Utah County policy, sexual harassment in the workplace and harassment based on protected classifications such as race, color, religion, sex (including gender identity and pregnancy), national origin, age, disability, genetic information, sexual orientation, parental status, or any other factor protected by law is prohibited.
- C. For purposes of this policy, harassment is any communication, visual or physical conduct designed to, or has the effect of, threatening, intimidating or coercing an employee, co-worker, or any person working for or on behalf of Utah County.
- D. Utah County will take appropriate and immediate action in response to complaints or knowledge of violations of this policy.

II. Procedures

- A. Harassment Based on Protected Classifications
 - 1. Harassment based on protected classifications includes, but is not limited to the following:
 - a. Verbal harassment which may include comments that are offensive or unwelcome regarding a person's national origin, race, color, religion, gender, sexual orientation, gender identity, age, body, disability or appearance, including epithets, slurs and negative stereotyping.
 - b. Nonverbal harassment which may include (electronic or otherwise) distribution, display or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect toward an individual or group because of national origin, race, color, religion, age, gender, sexual orientation, gender identity,

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pregnancy, appearance, disability, sexual identity, marital status or other protected status.

2. Harassment based on protected classifications, by a Utah County employee or official should result in disciplinary action which may include termination of employment. In addition, employees or officials who willfully report a false claim may also be subject to disciplinary action.

B. Sexual Harassment

1. Sexual harassment is a type of workplace harassment based upon sex or gender. It is defined as unwanted sexual attention of a persistent or offensive nature, made by a person who knows or reasonably should know, that such conduct is unwanted.
 - a. Sexual harassment includes sexually oriented conduct that is severe or sufficiently pervasive to unreasonably interfere with an employee's job performance or creates an intimidating, hostile or offensive working environment.
 - b. It also includes offensive behavior that is not clearly sexual in nature, but which occurs only because of the victim's gender.
 - c. While sexual conduct can encompass a wide range of conduct, some common examples of specifically prohibited conduct include, but are not limited to:
 - i. Making submissions to or rejections of sexual favors the basis for employment decisions.
 - ii. Making sexual or romantic advances toward an employee, which are unwanted, and especially persisting in such advances despite rejection by the employee.
 - iii. Engaging in sexually suggestive physical contact or touching another employee in a way that is unwelcome.
 - iv. Non-verbal conduct which may include displaying sexually suggestive objects or pictures in a work area, making sexually suggestive sounds, leering, whistling, or making obscene gestures.
 - v. Verbal conduct which includes making jokes of a sexual nature, suggestive comments, sexual innuendoes, sexual propositions or threats.
 - vi. Treating one gender differently than another gender or using "pet" names to one specific gender.
 - vii. A series of incidents even if one or more of the incidents considered on its own would not be harassing.
 - viii. Can occur on employer premises or elsewhere, even during non-working hours.
 - ix. Can involve males or females being harassed by members of either sex.
 - x. Although sexual harassment may more typically involve a person in a greater position of authority than the harassed, individuals of lesser or equal authority, and even persons who do not work for Utah County, can be found responsible for engaging in sexual harassment.

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2. Violations of the Sexual Harassment Policy should result in disciplinary action which may include termination of employment. In addition, employees who willfully report a false claim may also be subject to disciplinary action.

C. Reporting Claims

1. If employees believe that they have been subjected to any type of workplace harassment they should:
 - a. Make their feelings directly and immediately known to the harasser, if they feel comfortable doing so.
 - b. Make a written record of the date, time and nature of the incident, and the names of any witnesses, and report the incident immediately to any of the following:
 - i: A Supervisor in the employee chain of command.
 - ii: The Director of Human Resource Management
 - iii: Any County Commissioner
 - iv: The County Attorney
2. All incidents of harassment should be reported regardless of their seriousness.
3. There will be no retaliation against an employee who in good faith reports an incident of workplace harassment or against anyone who provides information about violations.
4. Complaints may be submitted by any individual irrespective of whether the complainant was personally subjected to the offending behavior.

D. Supervisor Duties. Supervisors who knowingly allow or tolerate any type of harassment are in violation of this policy and are subject to disciplinary action up to and including termination of employment.

1. Supervisors must deal quickly and fairly with allegations of workplace harassment, even when there has been a formal complaint.
2. Supervisors should make sure that Utah County's policy is communicated to subordinate employees.
3. In case of formal complaint, Supervisors should immediately report the matter to the Director of Human Resource Management so that the matter can be investigated.

E. Office of Human Resource Management Duties. The Office of Human Resource Management will promptly conduct a fair and impartial review of harassment complaints. All such complaints will be handled with as much confidentiality as possible in order to encourage reporting and to

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protect the privacy of the parties. Based on the review, one or more of the following actions may occur:

1. If the incident is determined to have been minor in nature and no further investigation is warranted, ensure that Utah County's Workplace Harassment Policy is explained to the individuals involved for the purpose of avoiding future problems or misunderstandings.
2. If the conduct is deemed more serious in nature, the Director of the Office of Human Resource Management and/or the County Attorney (or their designees) will investigate the complaint and determine whether any disciplinary action is warranted. The investigation will normally include conferring with the parties, interviewing witnesses, and reviewing any other evidence.
3. A written report will then be prepared summarizing the incident and the actions taken to correct the situation, if any.
4. Results of the investigation and any disciplinary action imposed shall be communicated to the complainant in a timely manner.

III. References

<https://www.eeoc.gov/laws/types/harassment.cfm>