



Personnel Policies and Procedures

Employee Sexual Harassment

Effective Date: July 1, 2009

Board Approval: June 9, 2009

1. Purpose

- 1.1 The purpose of the Tooele Applied Technology College (TATC) policy on Employee Sexual Harassment is to assure a working and educational environment free from sexual harassment, a form of sex discrimination. The TATC is committed to compliance with the legal mandates of state and federal law.

2. Policy

- 2.1. It is the policy of the TATC that:

- 2.1.1. Sexual harassment, subtle or otherwise, shall not be tolerated; violators shall be subject to disciplinary action including termination or referral for criminal prosecution where appropriate;
- 2.1.2. Any behavior or conduct of a sexual nature which is pervasive, unwelcome, demeaning, ridiculing, derisive, or coercive and results in a hostile, abusive or intimidating work environment constitutes sexual harassment and shall not be tolerated;
- 2.1.3. Any quid pro quo behavior which offers job advancement, enhancement or other tangible job benefits in return for sexual favors is prohibited;
- 2.1.4. Consideration shall be given to the complainant's requests in the investigation and through either a preliminary review process or a formal investigation as the circumstances indicate. However, the TATC Board, Campus President, or Administrative Officers may take appropriate action under this policy where the College's legal liability is at risk;
- 2.1.5. Sexual harassment complaints may be filed regardless of whether or not the behavior occurred on or off duty if it resulted in a hostile work environment;
- 2.1.6. Supervisors who knew or should have known that offensive sex-based behavior was occurring on duty, or have been made aware of the behavior occurring off duty which resulted in a hostile work environment and did not take timely action to correct the situation shall be subject to disciplinary action;
- 2.1.7. Any employee who has reasonable cause to believe that a student may have been sexually harassed or abused by a TATC employee shall immediately report the belief and all other relevant information to any of the officers named in the complaint procedure section outlined in the policy;
- 2.1.8. Malicious or frivolous complaints of sexual harassment shall result in corrective or disciplinary action taken against the accuser;
- 2.1.9. Individuals affected by alleged sexual harassment may, but shall not be required to, confront the accused harasser before filing a complaint;
- 2.1.10. The accused shall not contact the complainant regarding allegations of harassment once a complaint has been filed. However, contact could be made in a formal appeal situation.

3. Reprisals.

- 3.1. Reprisals are prohibited against any person 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 under this policy.

- 3.2.** Any act of reprisal toward the complainant, witnesses or others involved in the investigation shall be subject to disciplinary action. Prohibited reprisal actions shall include but not be limited to:
- 3.1.1.** open hostility to complainant, participant or others involved;
 - 3.1.2.** exclusion/ostracism of the complainant, participant or others;
 - 3.1.3.** creation of, or the continued existence of, a hostile work environment;
 - 3.1.4.** gender based negative remarks about the complainant, participant or others;
 - 3.1.5.** special attention to or assignment of the complainant, participant or others to demeaning duties not otherwise performed;
 - 3.1.6.** tokenism or patronizing behavior;
 - 3.1.7.** discriminatory treatment;
 - 3.1.8.** subtle harassment; or
 - 3.1.9.** unreasonable supervisory imposed time restrictions on employees in preparing complaints or compiling evidence of sexual harassment activities or behaviors.

4. Complaint Procedure.

- 4.1.** Individuals affected by sexual harassment are afforded avenues for filing complaints which are free from bias, collusion, intimidation or reprisal.
- 4.2.** Individuals who feel they are being subjected to sexual harassment should do the following:
- 4.2.1.** continue to report to work,
 - 4.2.2.** verbalize disapproval of the action to the perpetrator and demand that it cease,
 - 4.2.3.** document the occurrence,
 - 4.2.4.** identify all witnesses.
- 4.3.** Employees are encouraged to use TATC complaint procedures. A complaint of sexual harassment may be submitted to the TATC in accordance with TATC approved complaint procedures, or to the Utah Anti-Discrimination Division (UADD).
- 4.3.1.** Complaints may be submitted by any individual, witness, volunteer or other employee.
 - 4.3.2.** Complaints may be made through either verbal or written notification and shall be handled in compliance with confidentiality guidelines.
 - 4.3.3.** The complaint may be reported to any of the following:
 - 4.3.3.1.** the TATC equity officer,
 - 4.3.3.2.** TATC Administrative Officers,
 - 4.3.3.3.** the TATC Campus President, or
 - 4.3.3.4.** the TATC Board.

4.3.4. Any supervisor who has knowledge of offensive harassment behavior of a sexual nature shall take immediate, appropriate action and document the actions.

4.4. Any complaint of sexual harassment must be acted upon following receipt of the complaint.

4.5. If an immediate investigation by the TATC is not warranted, a meeting shall be held with the complainant, the TATC Campus President or his/her designee, and others as appropriate to communicate the findings and management's resolution of the complaint.

5. Investigative Procedure.

5.1. The investigative procedure allows the complainant to request to file their complaint with an investigator of a specific gender. All complaints will be thoroughly investigated. The investigation will be conducted as directed by TATC Administrative Officers. The investigation will be objective and complete. All actions taken and information gathered during the investigation will be fully documented.

5.2. Results of investigation.

5.2.1. If the investigation reveals that disciplinary action is warranted, the TATC Board and/or Campus President shall take appropriate action.

5.2.2. If an investigation reveals evidence of criminal conduct in sexual harassment allegations, the TATC Board and/or Campus President may refer the matter to the Attorney General's Office or County Attorney as appropriate.

5.2.3. If the investigation reveals the accusations are unfounded, this information shall be documented, the investigation terminated, and all parties involved notified. If the investigation results in findings of a malicious, frivolous, bad faith, or false claim, the individual filing the claim shall be subject to corrective or disciplinary action.

5.3. Right to Representation.

5.3.1. The complainant and the accused have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. Nothing in this policy shall be construed to limit the right of TATC supervisors or administration from taking appropriate immediate action without an employee's representative being present, when deemed necessary by the TATC supervisor or administration.

6. Records

6.1. A separate protected record of all sexual harassment complaints shall be maintained and stored in the TATC's Human Resource Office or the TATC administrative office. Removal or disposal of records in the protected file may only be done with the approval of the TATC Campus President or the administrative officer over the human resource function, and only after the minimum time lines specified herein have been met. Records shall be kept for a minimum of three years from the resolution of the complaint or investigative proceeding.

6.2. Separate files related to sexual harassment complaints shall not be kept by supervisors.

6.3. All information contained in the complaint file shall be classified as protected pursuant to requirements of law, Government Records Access and Management Act, Section 63-2-304.

6.4. Information contained in the sexual harassment protected file shall only be released by the TATC Campus President or the administrative officer over the human resource function and only in compliance with the requirements of law.

6.5. Participants in any sexual harassment proceeding shall treat all information as protected.

6.6. Final disposition of sexual harassment cases shall be communicated to appropriate parties.

7. Training

7.1. All TATC employees shall comply with the Sexual Harassment Prevention Training standards set by the TATC.