



1. Purpose

- 1.1. Tooele Technical College is committed to a work environment in which all individuals are treated with respect and dignity. Each individual has the right to work in a professional atmosphere that promotes equal employment opportunities and prohibits unlawful discriminatory practices, including harassment. Therefore, Tooele Tech expects that all relationships among persons throughout the college will be professional and free of bias, prejudice and harassment.

2. Policy

2.1. Equal employment opportunity

- 2.1.1. It is the policy of Tooele Tech to ensure equal employment opportunity without discrimination or harassment on the basis of race, color, religion, sex, pregnancy, childbirth, or pregnancy related conditions, veterans' status, sexual orientation, gender identity, age, disability, national origin, or any other basis protected by the law.

2.2. Disability Accommodation Requests

- 2.2.1. In compliance with applicable disability laws, reasonable accommodations, as defined by law, will be provided to qualified disabled applicants and employees in order to assist them perform the essential functions of their positions. If you are disabled (as defined by the Americans with Disabilities Act and other applicable laws) and need an accommodation, please contact your immediate supervisor. If you are not comfortable speaking to your immediate supervisor about your needs, or have done so and feel the matter has not been satisfactorily resolved, please contact the Human Resource Office. Depending upon the circumstances, medical verification of the condition may be required.

2.3. Pregnancy, Childbirth, Breastfeeding Accommodations

- 2.3.1. Tooele Tech will provide reasonable accommodation as defined by the law regarding pregnancy, child birth, breastfeeding, or a related condition, upon the employee's request. The employee asking for an accommodation based on pregnancy or a related condition may be required to provide a medical certification. To request an accommodation, contact the Human Resource of Office.

2.4. Retaliation

- 2.4.1. Tooele Tech encourages employees to report perceived incidents of discrimination or harassment promptly. It is the policy of Tooele Tech to promptly and thoroughly investigate such reports. Tooele Tech prohibits retaliation against any individual who, in good faith, reports discrimination, harassment or participates in an investigation of such reports.

2.5. Harassment

2.5.1. Harassment

- 2.5.1.1. Harassment is verbal, written, or physical conduct that shows hostility to an individual because of the protected class AND a) has the purpose or effect of creating an

intimidating, hostile or offensive work environment, b) has the purpose or effect of unreasonably interfering with an individual's work performance, or c) otherwise adversely affects an individual's employment opportunities.

- 2.5.1.2. Harassing conduct includes epithets, slurs or negative stereotyping; threatening, intimidating or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group that is circulated in the workplace, on company time or using company equipment by e-mail, phone (including voice messages), text messages, social networking sites or other means.

2.5.2. Sexual Harassment

- 2.5.2.1. Sexual harassment constitutes discrimination based on gender and is illegal under federal, state and local laws. For the purposes of this policy, "sexual harassment" is defined, in the Equal Employment Opportunity Commission Guidelines as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example:

- 2.5.2.1.1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;

- 2.5.2.1.2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or

- 2.5.2.1.3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

- 2.5.2.2. Title VII of the Civil Rights Act of 1964 recognizes two types of sexual harassment:

- 2.5.2.2.1. Quid pro quo; and

- 2.5.2.2.2. Hostile work environment.

- 2.5.2.3. Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

3. Individuals and Conduct Covered

- 3.1. This policy applies to all students, and employees, whether related to conduct engaged in by fellow employees or by someone not directly connected to Tooele Tech (e.g., an outside vendor, consultant, visiting community members or potential students).
- 3.2. Conduct prohibited by these policies is unacceptable in the workplace and in any work-related setting outside the workplace, such as during business trips, business meetings and business-related social events.

4. Reporting an Incident of Harassment, Discrimination or Retaliation

- 4.1. Tooele Tech encourages reporting perceived incidents of discrimination, harassment or retaliation, regardless of the offender's identity or position. Individuals who believe that they have been the victim of such conduct should discuss their concerns with their Supervisor, any member of the Executive Administrative Team, or the Human Resources Officer. See the complaint procedure described below.
- 4.2. In addition, Tooele Tech encourages individuals who believe they are being subjected to such conduct to promptly advise the offender that his or her behavior is unwelcome and to request that it be discontinued. Often this action alone will resolve the problem. Tooele Tech recognizes, however, that an individual may prefer to pursue the matter through complaint procedures.

5. Complaint Procedure

- 5.1. Individuals who believe they have been the victims of conduct prohibited by this policy or believe they have witnessed such conduct should discuss their concerns with their Supervisor, Human Resources Officer, or any member of the Executive Administrative Team.
- 5.2. Tooele Tech encourages the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained. Therefore, while no fixed reporting period has been established, early reporting and intervention have proven to be the most effective method of resolving actual or perceived incidents of harassment.
- 5.3. Any reported allegations of harassment, discrimination or retaliation will be investigated promptly by the responsible Vice President of the person being accused, or as assigned by the President. The President will may be the investigator if the Vice President is the focus of an accusation. If the President is the focus of the accusation, then the Commissioner of Technical Education for the State of Utah will be responsible to conduct the investigation process. The Human Resource Officer will assist in the investigation to help ensure that acceptable protocols are followed in a consistent and fair manner.
- 5.4. Tooele Tech will maintain confidentiality throughout the investigatory process to the extent reasonably possible.
- 5.5. Results of Investigation
 - 5.5.1. If the investigation reveals that disciplinary action is warranted, such actions will be conducted according to the *Employee Disciplinary Action Policy*.
 - 5.5.2. If the investigation reveals the accusations are unfounded, this information shall be documented, the investigation terminated, and all parties involved notified of the decision within 6 working days.
 - 5.5.3. If the investigation results in findings of a malicious, frivolous, or false claim, the individual filing the claim may be subject to the *Employee Disciplinary Action Policy*.
- 5.6. Records
 - 5.6.1. A separate protected record of all harassment complaints shall be maintained and stored in the Human Resources Department.
 - 5.6.2. The record will be classified as "protected" as defined by State of Utah's Government Records Access and Management Act.
 - 5.6.3. Removal or disposal of records in the protected file may only be done with the approval of the President.

- 5.6.4. Separate files related to sexual harassment complaints shall not be kept by supervisors.
- 5.6.5. 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.
- 5.6.6. Information contained in the sexual harassment protected file shall only be released by the Human Resource Office when in compliance with the requirements of law.
- 5.6.7. Participants in any sexual harassment proceeding shall treat all information as confidential.
- 5.6.8. Final disposition of sexual harassment cases shall be communicated to appropriate parties within 6 business days.

6. Appeals of the Decision

- 6.1. If the employee making the claim is dissatisfied with the decision of the investigation, they may appeal in writing the decision to the President within 1 (one) week. The written appeal should include the reasons the employee disagrees with the decision.
- 6.2. The President will review the documentation used in making the decision and the written appeal and evaluates if the investigation was in harmony with the policies of the College. If the President determines that the investigation did not follow prescripts of this policy or additional information should have been considered, he or she may request another investigation or to alter the decision of the Vice President.
- 6.3. The President's decision to the appeal is final.