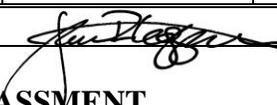


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Title EMPLOYEE SEXUAL HARASSMENT			

1. PURPOSE AND SCOPE

The purpose of the policy is to provide standards regarding sexual harassment in the workplace and to provide employees with a defined avenue for reporting and resolving sexual harassment in the workplace.

2. POLICY

It is the policy of the College to prohibit sexual harassment in the workplace. The College shall not tolerate any form of sexual harassment and acknowledges that such conduct violates Title VII. Sexual harassment of any type shall be grounds for immediate and appropriate disciplinary action. The College shall comply with all federal, state, and local laws on this issue and provide staff training.

3. DEFINITIONS

3.1 Title VII: Prohibits discrimination based upon race, color, sex, religion, or national origin.

3.2 Sexual harassment: Unwelcome explicit or implicit sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. For purpose of this policy, all references to sexual harassment apply to its occurrence in the workplace at the College, at all College-operated facilities or programs, and any work-related activities, or creation of a hostile work environment at such places.

3.3 Explicit: Definite and/or clearly stated.

3.4 Implicit: Implied; capable of being understood from something else though unexpressed.

3.5 Quid Pro Quo behavior: An offer of job advancement, enhancement, or other tangible job benefits in return for sexual favors.

3.6 Gender bias: Decisions made or action taken due to sex-based stereotypes.

4. REFERENCES

- Title VII of the Civil Rights Act of 1964

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1. Reprisal actions include, but are not limited to, open hostility to complainant, participant, or others involved; exclusion/ostracism of the complainant, participant, or others; creation of or the continued existence of a hostile work environment; gender-based negative remarks about the complainant, participant, or others; special attention to or assignment of the complainant, participant, or others to demeaning duties not otherwise performed; tokenism or patronizing behavior; discriminatory treatment; subtle harassment; or unreasonable supervisor imposed time restriction on employees in preparing complaints or compiling evidence of sexual harassment activities or behaviors.
2. Physical or verbal sexual harassment shall be deemed to occur when:
 - 2.1 submission to such conduct is explicitly or implicitly a condition of employment.
 - 2.2 submission to or rejection of such conduct is used as a basis for decisions affecting employment conditions, e.g., wages, shift assignments, work assignments, change in position status (promotion/demotion), transfers, etc.
 - 2.3 such behavior has the purpose or effect of unreasonably interfering with an individual's performance on the job or creating an intimidating, hostile, or offensive work environment.
3. Sexual harassment does not have protected gender nor position parameters. Inappropriate behavior shall not be tolerated by:
 - 3.1 male supervisors to female employees;
 - 3.2 female supervisors to male employees;
 - 3.3 supervisors to employees - same gender;
 - 3.4 co-worker actions (all levels) - male to female; female to male; or same gender;
 - 3.5 employee to student;
 - 3.6 student to employee; and/or
 - 3.7 external partners or suppliers.

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4. All parties involved in a sexual harassment complaint shall be given the utmost protection of privacy. Employees may avail themselves to the sexual harassment complaint procedure without fear of coercion, intimidation, or reprisal.
5. Any quid pro quo behavior which offers job advancement, enhancement, or other tangible job benefits in return for sexual favors shall be prohibited and subject to disciplinary action.
6. 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 College's Human Resources Department may take appropriate action under this policy where other legal liability of the College is at risk.
7. 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.
8. 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.
9. Individuals affected by alleged sexual harassment may, but shall not be required to, confront the accused harasser before filing a complaint.
10. The accused shall not contact the complainant regarding allegations of harassment once a complaint has been filed.
11. Suppliers of services to the College are expected to adhere to the College's Sexual Harassment policy. When they are in violation of such policy, the College shall expect management of the supplier company to take immediate and appropriate action. If management does not take immediate and appropriate action, the College may discontinue the use of their services.
12. Employees are encouraged to use the College's complaint process. A complaint of sexual harassment may be submitted in accordance with the College's complaint process; directly to the State Department of Human Resources (DHRM) or Utah Anti-Discrimination Division (UADD). A sample "**Employee Complaint Form - Sexual Harassment**" is attached.

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13. Complaint Process

13.1 Individuals who feel they are being subjected to sexual harassment should do the following:

13.1.1 continue to work;

13.1.2 verbalize disapproval of the action to the perpetrator and demand that it cease;

13.1.3 document the occurrence;

13.1.4 identify a witness.

13.2 Those employees interested in filing a formal complaint should complete the attached form and submit it to their immediate supervisor, compliance officer, or Human Resources Department. The complaint form must be forwarded to the Human Resources Department.

13.2.1 Complaints may be submitted by any individual, witness, volunteer, or other employee.

13.2.2 Complaints may be made through either verbal or written notification and shall be handled in compliance with confidentiality guidelines.

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

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

13.2.5 If an immediate investigation by the Human Resources Department is not warranted, a meeting shall be held with the complainant, the supervisor or director of the appropriate division, and others as appropriate to communicate the findings and management's resolution of the complaint.

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14. Investigative Process

Preliminary reviews and investigations must be conducted in accordance with procedures established by the Human Resources Department.

15. Results of Investigation

15.1 If the investigation reveals that disciplinary action is warranted, the division head/manager shall take appropriate action.

15.2 If an investigation reveals evidence of criminal conduct in sexual harassment allegations, the president or Human Resources Department may refer the matter to the Attorney General's Office.

15.3 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 may be subject to corrective or disciplinary action.

16. Records

16.1 A separate protected record of all sexual harassment complaints shall be maintained and stored in the Human Resources Department or in the possession of an authorized official. Removal or disposal of records in the protected file may only be done with the approval of the president.

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

16.3 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.

16.4 Information contained in the sexual harassment protected file shall only be released by human resources when in compliance with the requirements of law.

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

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

17. Training

Training shall be provided for all employees.