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| <b>OGDEN-WEBER<br/>TECHNICAL COLLEGE</b>        | Number<br><br>520.38         | Effective Date<br>12/18/97<br>8/22/24<br>Revised<br>7/6/17<br>11/7/17<br>7/15/24 | Page<br><br>1 of 1 |
| <b>POLICY</b>                                   | Approval – Board of Trustees |  |                    |
| Title<br><br><b>EMPLOYEE NON-DISCRIMINATION</b> |                              |  |                    |

**1. PURPOSE AND SCOPE**

The purpose of the policy is to regulate behaviors that are harassing, discriminatory, or retaliatory regardless of whether the behavior would constitute a violation of applicable state or federal laws.

**2. POLICY**

It is the policy of Ogden-Weber Technical College to provide a work environment free from discrimination and harassment based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, or protected activity or class under state and federal law.

**3. DEFINITIONS**

**3.1 Workplace:** classrooms, training labs, off-site clinics, and/or any other location of OTECH sponsored events and activities

**4. REFERENCES**

- Title VII of the Civil Rights Act of 1964
- Americans with Disabilities Act (ADA)
- Age Discrimination in Employment Act (ADEA)
- Pregnancy Discrimination Act
- Genetic Information Nondiscrimination Act
- Division of Human Resource Management Rules

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**1. Workplace harassment includes:**

- 1.1. Conduct that is unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive, and results in a hostile, offensive, or intimidating work environment.
- 1.2. Conduct that results in a tangible employment action against the harassed employee.
- 1.3. An employee may be subject to discipline for violating workplace policies even if:
  - 1.3.1. The conduct occurs outside of scheduled work time or work location; or
  - 1.3.2. The conduct is not sufficiently severe to constitute a violation of law.
- 1.4. Once a complaint has been filed, the accused may not communicate with the complainant regarding allegations of harassment.

**2. Equal Employment**

- 2.1. All Ogden-Weber Technical College personnel actions shall provide equal employment opportunity for all individuals.
- 2.2. Employment actions, including condition or privilege of employment, shall be based on the ability to perform the essential duties, functions, and responsibilities assigned to a particular position.
- 2.3. Employment actions may not be based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, or protected activity under the anti-discrimination statutes, political affiliation, military status

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or affiliation or any other non-job-related factor, except as provided under Subsection 67-19-15(2)(b)(ii).

**2.4.** An employee who alleges unlawful discrimination, harassment, and/or retaliation may:

**2.4.1.** Submit a report pursuant to section 4, Reporting Discrimination, Harassment and/or Retaliation Procedure as shown in this document; and

**2.4.2.** File a charge with the Utah Labor Commission Antidiscrimination and Labor Division within 180 days of the alleged harm or directly with the EEOC within 300 days of the alleged harm.

**2.5.** An Ogden-Weber Technical College official may not impede any employee from the timely filing of a discrimination complaint in accordance with this policy and state and federal requirements.

### **3. Retaliation**

**3.1.** 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 a protected activity

### **4. Reporting Discrimination, Harassment and/or Retaliation**

**4.1** Management shall permit employees who allege workplace discrimination, harassment, and/or retaliation to report and engage in a review process free from bias, collusion, intimidation, or retaliation. Complainant shall be provided a reasonable amount of work time to prepare for and participate in internal grievance processes.

**4.2** Employees who feel they are being subjected to workplace discrimination, harassment, and/or retaliation should do the following:

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- 4.2.1 document the occurrence;
- 4.2.2 continue to report to work; and
- 4.2.3 identify witness(es), if applicable

**4.3** An employee may file an oral or written report of workplace discrimination, harassment, and/or retaliation with their immediate supervisor, any other supervisor within their direct chain of command, or the department of human resources at Ogden-Weber Technical College.

- 4.3.1 Reports may be submitted by any employee, witness, volunteer or other individual.
- 4.3.2 Reports may be made through either oral or written notification and shall be handled in compliance with investigative procedures as outlined by the State of Utah Risk Management.
- 4.3.3 Any supervisor who has knowledge of workplace harassment, retaliation, or both shall take immediate, appropriate action in consultation with the Director of Human Resources and document the action.
- 4.3.4 All reports of workplace discrimination, harassment, and /or retaliation shall be acted upon following receipt of the report.
- 4.3.5 If the College President is the subject of the complaint, the Utah System of Higher Education (USHE) shall be notified and take action in accordance with USHE policy.
- 4.3.6 If an immediate investigation by OTECH management is deemed unwarranted, the complainant shall be notified.

**5. Investigative Procedure**

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**5.1.** Investigations, when warranted, shall be conducted based on the recommendations outlined by the State of Utah Risk Management as the standard operating procedure for investigation of employee complaints.

**5.2. Results of Investigation**

**5.2.1.** If the investigation finds the allegations to be substantiated, College management shall take appropriate administrative action.

**5.2.2.** If an investigation reveals evidence of criminal conduct in workplace harassment allegations, the Board of Trustees or College President may refer the matter to the appropriate law enforcement agency.

**5.2.3.** At the conclusion of the investigation, the appropriate parties shall be notified.

**5.2.4.** Complainants and/or any accused may appeal the conclusions of the investigation to the College President.

**6. Workplace Harassment Records**

**6.1.** A separate confidential file of all workplace discrimination, harassment, and/or retaliation reports shall be maintained and stored by Ogden-Weber Technical College, or in the possession of an authorized official.

**6.1.1.** Removal or disposal of these files shall only be done with the approval of the College President in consultation with the Human Resources Director.

**6.1.2.** Files shall be retained in accordance with the retention schedule after the active case ends.

**6.1.3.** All information contained in the grievance file shall be classified as protected under Section 63G-2-305.

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**6.1.4.** Information contained in the workplace discrimination, harassment, and/or retaliation file shall only be released by the College president or the Human Resources director when required by law.

**6.2.** Supervisors may not keep separate files related to reports of workplace discrimination, harassment, and/or retaliation.

**6.3.** Participants in any workplace discrimination, harassment, and/or retaliation proceeding shall treat all information pertaining to the case as confidential.

**7. Training**

**7.1.** Ogden-Weber Technical College shall provide employee training, including additional training for supervisors on the prevention of workplace harassment.

**7.2.** The curriculum shall be approved by the Division of Risk Management.

**7.3.** The College shall ensure employees complete workplace discrimination, harassment, and retaliation prevention training upon hire and at least every two years thereafter.