

# UTAH STATE LEGISLATURE

## WORKPLACE DISCRIMINATION AND HARASSMENT POLICY

February 7, 2018

### TERMINOLOGY

As used in this policy:

"Complaint" means a formal statement alleging unlawful discrimination that manifests the individual's clear intent to initiate an official investigation and action and is submitted according to the requirements of this policy. Complaints may be made by legislators, employees, or non-employees.

"Compliance officer" means the individual designated to receive and investigate complaints.

"Corrective measures" includes:

- disciplinary action against a legislator or employee who engages in unlawful discrimination;
- remedial action against a non-employee;
- increased training;
- monitoring; or
- other actions, as deemed appropriate for the situation.

"Discriminatory conduct" includes harassment and a spectrum of conduct such as assault, creation of a hostile work environment, quid pro quo conduct, discriminatory or adverse employment actions, sexual harassment, and retaliation.

"Employee" means an individual employed by the Utah State Legislature.

"Non-employee" means an individual who visits the Utah State Capitol Complex for any reason, including registered lobbyists, non-registered lobbyists, members of the media, governmental officials, employees of federal, state and local government, tourists, or the general public.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the conduct:

- explicitly or implicitly affects an individual's employment;
- unreasonably interferes with an individual's work performance;
- or creates an intimidating, hostile, or offensive work environment.

"Unlawful discrimination" means discriminatory conduct that is unlawful under federal or state law, including discriminatory conduct based upon any of the following characteristics:

- race;
- color;
- sex;
- sexual orientation;
- gender identity;
- pregnancy, childbirth, or pregnancy-related conditions;
- age, if the individual is 40 years of age or older;
- religion;
- national origin;

- citizenship status;
- disability; or
- genetic information.

## **COMPLIANCE OFFICER**

Debbie Cragun, Legislative HR Administrator and Victoria Ashby, Associate General Counsel, Office of Legislative Research and General Counsel, are the Compliance Officers for the Utah State Legislature. Both are available to receive a complaint, report, or inquiry about alleged unlawful discrimination. Debbie and Victoria are located in the House Building in the State Capitol Complex and may be reached by telephone at 801-538-1032.

## **GENERAL POLICY**

It is the policy of the Utah State Legislature to:

- provide legislators, employees, and non-employees with an environment that is free from unlawful discrimination; and
- comply with state and federal laws regarding unlawful discrimination.

A legislator, employee, or non-employee who engages in unlawful discrimination:

- is subject to corrective measures, which may include termination of employment or expulsion from the Utah State Capitol Complex;
- if the discriminatory conduct is directed towards another legislator, employee, or a non-employee, is subject to corrective measures even if the discriminatory conduct occurs outside of scheduled work time or work location; and
- may be referred for criminal prosecution.

## **GENERAL PREVENTATIVE MEASURES**

Through this policy the Utah State Legislature:

- communicates its serious commitment to providing an environment that is free from unlawful discrimination;
- directs personal individuals to avoid conduct that would constitute unlawful discrimination;
- establishes a process that:
  - encourages legislators, employees, and non-employees to complain of unlawful discrimination;
  - encourages the reporting of discriminatory conduct in order to discourage discriminatory conduct before it becomes severe or pervasive;
  - and includes the posting of an Equal Employment Opportunity Commission notice indicating to whom a complaint could be made;
  - and communicates its commitment to provide or secure training regarding unlawful discrimination for legislators and employees of the Utah State Legislature.

## **GENERAL RULES ABOUT CONFIDENTIALITY**

To the extent permitted by law, a complaint of alleged unlawful discrimination will be handled confidentially. A complaint of alleged unlawful discrimination will be maintained and stored in a manner separate from other files. Final disposition of an unlawful discrimination complaint will be communicated to the appropriate parties.

Information gathered in connection with a complaint may be subject to Utah's Government Records Access and Management Act. That information will be released only in compliance with the requirements of law.

## **GENERAL COMPLAINT, INVESTIGATION, and REMEDIATION PROCESS**

### **I. Workplace Harassment Complaints**

- An individual who is affected by unlawful discrimination may submit an oral or written complaint to Debbie Cragun or Victoria Ashby.
- If a complaint is filed, the procedure followed to address the complaint will be free from bias, collusion, intimidation, or retaliation.
- An individual affected by alleged unlawful discrimination may, but is not required to, confront the person accused before filing a complaint.
- Once the person accused becomes aware that a complaint has been made, the person should not communicate with the complainant regarding the allegations of unlawful discrimination.
- The individual affected by alleged unlawful discrimination is encouraged to:
  - document the unlawful discrimination;
  - continue to come to work; and
  - identify any witnesses, if applicable.
- A supervisor who has knowledge of unlawful discrimination must report the discriminatory conduct to a compliance officer.

### **II. Retaliation Prohibited**

A legislator, employee, or non-employee is prohibited from retaliating against a legislator, employee, or non-employees who:

- opposes unlawful discrimination;
- files a complaint;
- testifies, assists, or participates in any manner in the investigation of a complaint; or
- is otherwise engaged in a protected activity.

A legislator, employee, or non-employee of the Utah State Legislature who commits an act of retaliation has engaged in unlawful discrimination and is subject to corrective measures.

### **III. Investigation and Remediation Process**

Upon receipt, the complaint will be investigated and whatever actions are necessary and appropriate to address the complaint will be taken. The complainant will be informed of the final status of the investigation and any corrective measures that the Utah State Legislature proposes to take.