



## **PERSONNEL POLICIES — SECTION 300**

NUMBER: **338**

SUBJECT: ABUSIVE CONDUCT REPORTING & PREVENTION POLICY AND PROCEDURE

LAST REVIEWED: 7/7/2020

EXECUTIVE COMMITTEE APPROVAL: 7/13/2020

EMPLOYEE REVIEW: 9/1/2020

BOARD APPROVAL: 8/19/2020

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### **338.1— REFERENCES**

- 1.1 Utah Public Employee Healthy Workplace Act, Utah Code Title 67 Chapter 26.
- 1.2 State Officers and Employees Grievance Procedures, Utah Code 67-19a-501.

### **338.2— POLICY**

- 2.1 It is the policy of Mountainland Technical College to provide a workplace environment free from abusive conduct.
- 2.2 Abusive conduct includes physical, verbal or nonverbal conduct such as, but not limited to, derogatory statements, insults, or epithets made by an employee to another employee that a reasonable person would consider
  - 2.2.1 were intended to cause intimidation, humiliation, or distress
  - 2.2.2 were intended to exploit a known physical or psychological disability; or
  - 2.2.3 would result in substantial physical or psychological harm caused by intimidation, humiliation, or distress.
- 2.3 An employee may be subject to discipline under this policy even if the abusive conduct occurs outside the scheduled work hours or location.
- 2.4 In the event that a complaint of abusive conduct is filed, the accused may not communicate with the complainant regarding the allegations.
- 2.5 The following actions do NOT constitute abusive conduct unless they are particularly egregious and severe:

- 2.5.1 Appropriate administrative or disciplinary actions
- 2.5.2 Appropriate feedback or coaching
- 2.5.3 Reasonable job related assignments
- 2.5.4 Reasonable differences in styles of communication, management, expression, or opinion

### **338.3 PROCEDURE**

#### **3.1 Filing a Complaint**

- 3.1.1 Employees who experience alleged abusive conduct are entitled to file a complaint and engage in a review process free from bias, collusion, intimidation, or retaliation. An employee who feels they are the subject of abusive conduct should do the following:
  - 1. Document the situation
  - 2. Continue to report to work
  - 3. Identify a witness if possible or applicable
  - 4. File a written complaint with their immediate supervisor or the Human Resources Director
- 3.1.2 Any supervisor with knowledge of abusive conduct should take immediate and appropriate action in consultation with Human Resources, and document the conduct.

#### **3.2 Investigation**

- 3.2.1 If warranted, the investigation into the alleged abusive conduct will be conducted by the Director of Human Resources. All participants in any investigation related to abusive conduct will treat all information pertaining to the case as strictly confidential.
- 3.2.2 If the results of the investigation reveal evidence of criminal conduct, the matter will be referred to the appropriate law enforcement agency.

- 3.2.3 If the investigation finds allegations of abusive conduct to be substantiated, appropriate administrative action will be taken, up to and including termination.
- 3.2.4 At the conclusion of the investigation, the appropriate parties will be notified of the outcome of the investigation. They will also be given the procedure to request administrative review of the findings in compliance with Utah Code Section 67-19a-501.

### **3.3 Abusive Conduct Prevention Training**

- 3.3.1 Human Resources will provide employee and supervisor training on the prevention of abusive conduct. This training will include information regarding what constitutes abusive conduct, how to prevent it, and procedures for reporting and reviewing findings.
- 3.3.2 Human Resources will assist employees in receiving related necessary training.