

Davis County Human Resources Policies

Anti-Discrimination, Harassment, & Retaliation #300

1.0 Purpose & Scope

To define discrimination, harassment, and retaliation and establish complaint, response, and training procedures. This policy applies to employees, applicants, and volunteers.

1.1 Policy

Davis County employees are entitled to a work environment free from discrimination, harassment, or retaliation. Discrimination, harassment, and retaliation, as defined in this policy, are strictly prohibited as defined by applicable law, specifically [Title VII of the Civil Rights Act of 1964](#), as amended, and [Utah Code 34A-5-106](#). Employees who violate this policy may be subject to corrective or disciplinary action up to and including termination of employment.

1.2 Definitions

Complaint. A verbal or written statement that describes allegations of discrimination, harassment, or retaliation and includes the name(s) of the accused, relevant dates, and details of the alleged behaviors.

Complainant. The individual who has made a complaint of harassment, discrimination, or retaliation, or who is the subject of a complaint that has been filed on their behalf.

Consent. Affirmative, unambiguous, and voluntary agreement.

Discrimination. Unfair treatment of an employee or applicant because of their inclusion in a protected class.

Harassment. Unwelcome conduct based on a protected class where 1) enduring the conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Harassing behaviors can occur in the workplace, outside of the workplace, at work-related events, and outside of work when the behaviors disrupt the workplace.

Behaviors that may constitute harassment include but are not limited to: joking remarks, abusive conduct (including verbal, non-verbal or physical conduct), demeaning remarks, name-calling, hostility, epithets, slurs, derogatory comments, intimidation, negative stereotyping, threats, assaults, or physical interference with an employee's work which is directed at the individual employee, or their family, friends, and associates. Harassment may also include written, email, or graphic material that is displayed or circulated in work or work-related settings, which demeans or demonstrates aversion to an individual or group based on the characteristics of a protected class.

Harassment does not include: petty slights, annoyances, one-time occurrences unless severe, or a supervisor's critical remarks about an employee's performance, provided the remarks are not based on the employee's inclusion in a protected class.

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Protected Class. A group of people protected by law from unlawful discrimination on the basis of a shared characteristic. Federal law and state code recognize the following protected classes: race, color, national origin, religion, age (40 and older), disability, veteran/military status, sex, pregnancy (including childbirth and pregnancy-related conditions), genetic information, sexual orientation, gender identity, and any other legally defined class.

Protected Activity. An employee exercising their rights to inquire about their pay, hours of work, working conditions or other employment rights; asserting their worker rights under the Fair Labor Standards Act, the Family and Medical Leave Act, the Employee Polygraph Protection Act, and the Americans with Disabilities Act; filing a complaint about their employment or worker rights; or cooperating with an EEO investigation.

Respondent. The person who is alleged to have engaged in prohibited discrimination, harassment, and/or retaliation.

Retaliation. An adverse employment action taken against an individual because they participated in a protected activity.

Sexual Harassment. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made explicitly or implicitly a term or condition of the person's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that person's employment;
- Such conduct has the purpose or effect of interfering with an individual's employment or creating an intimidating, hostile, or offensive environment for the individual's employment.

Behaviors that may constitute sexual harassment include but are not limited to the following: Unwelcome sexual advances, requests for sexual favors, making repeated attempts to establish an unwanted relationship, making offensive comments, asking questions about someone's sexual history, sharing sexually inappropriate images or videos, sending suggestive letters, notes, texts, or emails or displaying inappropriate sexual images in the workplace, telling lewd jokes or sharing sexual anecdotes, making inappropriate sexual gestures, staring in a sexually suggestive or offensive manner, inappropriate whistling, making sexual comments about appearance, clothing, or body parts, inappropriate touching including pinching, patting, rubbing, kissing, grabbing, unwelcome hugging, and purposefully brushing up against another person.

Third-Party Harassment. Harassment of an employee by someone who conducts business with the County, including, but not limited to, patrons, vendors, contractors, consultants, and visitors.

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1.3 Procedures

1. Complaint Process. A complaint of alleged misconduct may be filed by an individual who believes they have been subjected to discrimination, harassment, and/or retaliation in the workplace.

- a. Reporting. Concerns should be reported as soon as possible to any of the following:
 - i. All employees with supervisory responsibilities
 - ii. HR Business Partner
 - iii. HR Director or Deputy Director
- b. Reporting options. The complainant or a bystander acting on their behalf may file a harassment, discrimination, or retaliation complaint in person, verbally over the phone, or in written form, and it may be submitted anonymously. Additionally, complaints can be submitted by using the complaint intake form found here: [Intake Form](#)
- c. Complaint deadline. Complaints should be filed within 180 days of the last alleged behavior in question. Complaints received after 180 days will be reviewed and investigated at the discretion of the HR Director or designee.
- d. False reports. It is a violation of this policy to file false or frivolous complaints.
- e. Duty to notify. Supervisors must notify Human Resources within 48 hours when they are made aware of a potential discrimination, harassment, or retaliation issue. A supervisor who knows, or should have known, that a violation of this policy has occurred and fails to report this knowledge appropriately has violated this policy and may be subject to corrective or disciplinary action.
- f. Confidentiality. The privacy of all parties involved in a complaint or investigation process will be respected insofar as it does not interfere with Davis County's legal obligation to investigate allegations of misconduct, to take appropriate corrective measures, to participate effectively in a potential appeal, or as otherwise provided by law.
- g. Complaint Retaliation. This policy prohibits retaliation against individuals who file complaints about violations of this policy or against anyone who participates in any manner in a subsequent investigation.

2. Complaint Response.

- a. Intake. A complaint of alleged acts of discrimination, harassment, or retaliation will be reviewed for timeliness and to determine if the complaint constitutes a violation of this policy. During the intake process, investigators will determine whether an investigation or an alternative to an investigation is appropriate.
- b. Investigation.
 - i. Assignment. Investigators are assigned by the HR Director or designee. If, in consultation with the Civil Attorney's Office, the HR Director determines a conflict exists for HR staff to conduct an investigation, the HR Director may appoint a qualified external entity to conduct the investigation.
 - ii. Investigation process. An investigation may include, but is not limited to, interviews with the complainant, respondent, and witnesses, and a review of complaint-related materials. Interviews will be conducted in person where possible and in a professional, respectful, and non-threatening manner. Third-party participation in interviews is

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prohibited in most circumstances, with limited exceptions that can be made by the HR Director or designee. Interviews may be recorded at the investigator's discretion.

- iii. Investigation completion. Investigations will be conducted in a timely manner. The length of an investigation will vary based on the complexity of the complaint, the number of witnesses and interviews, the schedule coordination between investigators and interviewees, and other mitigating circumstances.
- c. Investigation alternatives. When investigators determine that an investigation is not warranted, they will proceed with one of the following alternatives:
 - i. Complaint Dismissal. A complaint may be dismissed after an initial review by investigators for failure to state a claim, for complaints that don't meet the definitions of harassment, discrimination, or retaliation, or if the complaint is too old to be effectively investigated.
 - ii. HR Review. Investigators will review the information provided to them, conduct an informal review of available information, and provide suggestions for resolution.
 - iii. Supervisor Review. If the complaint does not meet the criteria for an investigation and consists of behaviors that fall within the supervisor's responsibilities, it will be turned over to the supervisor to conduct a review. HR will assist the supervisor(s) in determining corrective measures as appropriate.
 - iii. Mediation & Facilitation. If the complainant wishes to resolve their complaint through mediation or a facilitated meeting, investigators will make appropriate arrangements. Mediation requires both parties to agree to mediate.
- d. Report. Upon completion of the investigation, investigators will create a report of the findings. The report will be reviewed by the Civil Attorney's office and distributed to the relevant administrative officer(s) and supervisor(s).
- e. Notifications. Both the complaining and responding parties will be notified of the findings; other parties involved in the investigation may be notified at the investigator's discretion.
- f. Corrective measures. When the investigation findings indicate a policy violation, the administrative officer or designee from the responding party's department will consult with their HR Business Partner on corrective measures. Corrective measures include, but are not limited to: training, informal corrective action, formal corrective action, and disciplinary action. Administrative officers are responsible for ensuring corrective measures are carried out and that they adequately resolve the identified policy violations.
- g. Employee participation. Employees who are invited to participate in an investigation are required to cooperate with investigators and shall make a good-faith effort to provide factual and complete information. Employees who refuse or fail to cooperate with the investigators, provide false or misleading statements, misrepresent the truth, or intentionally omit material information have violated the Standards of Conduct policy and may be subject to corrective or disciplinary action.
- h. Working hours. The time an employee spends participating in an investigation is considered work time and will be appropriately compensated.

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3. Required Training. As a condition of employment, new employees will receive training on discrimination, harassment, and retaliation in the workplace during New Employee Orientation. Additionally, all employees must participate in subsequent training on the subject every two years. Failure to participate in the required training may result in corrective or disciplinary action.

1.4. Policy History:

1. Effective Date: 12/16/2025
2. Previous Revisions: 9/20/2022; 2/25/2019; 08/04/2009;