Weber County Human Resources Policy 3-100
Harassment, Discrimination and Retaliation

I. Purpose

Weber County strives to create and maintain a work environment in which people are treated with dignity, decency and respect. The environment of the county should be characterized by mutual trust and the absence of intimidation, oppression and exploitation. Employees should be able to work and learn in a safe, yet stimulating atmosphere. Through enforcement of this policy and by education of employees, Weber County seeks to prevent, correct and discipline behavior that violates this policy.

II. Policy

Weber County does not tolerate discrimination, retaliation or any form of harassment based on race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws. All employees, regardless of their positions, are covered by and are expected to comply with this policy and to take appropriate measures to ensure that prohibited conduct does not occur. Appropriate disciplinary action will be taken against any employee who violates this policy. Based on the seriousness of the offense, disciplinary action may include verbal or written reprimand, suspension, transfer, demotion, or termination of employment.

III. Procedures

A. Definitions and Guidelines

1. Weber County, in compliance with all applicable federal, state and local anti-discrimination and harassment laws and regulations, enforces this policy in accordance with the following definitions and guidelines:

    a. **Discrimination**: It is a violation of policy to discriminate in the provision of employment opportunities, benefits or privileges; to create discriminatory work conditions; or to use discriminatory evaluative standards in employment if the basis of that discriminatory treatment is, in whole or in part, the person's race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status, or military or veteran status.
        i. Discrimination of this kind may also be strictly prohibited by a variety of federal, state and local laws, including Title VII of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, and the Americans with Disabilities Act of 1990. This policy is intended to comply with the prohibitions stated in these anti-discrimination laws.
        ii. Discrimination in violation of this policy will be subject to disciplinary measures up to and including termination.

iii. Weber County reserves the right to take all actions not prohibited by law. Examples might include, but not be limited to, enacting and enforcing rules and policies governing sex-specific facilities; engaging in hiring practices based on bona fide occupational qualifications; and maintaining bona fide seniority systems for any aspect of employment.

b. **Workplace Harassment**: Weber County prohibits harassment of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate or coerce an employee, co-worker or any person working for or on behalf of Weber County. Verbal taunting (including racial and ethnic slurs) that impairs a person's ability to perform his or her job is included in the definition of harassment.
   i. The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:
   ii. Verbal harassment includes comments that are offensive or unwelcome regarding a person's race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status, military or veteran status, body, or appearance, including epithets, slurs and negative stereotyping.
   iii. Non-verbal harassment includes any act, including the distribution or display of any written or graphic material, that ridicules, denigrates, insults, belittles or shows hostility, aversion or disrespect towards an individual or group because of race, color, national origin, religion, age, disability, genetic information, gender, gender identity, pregnancy, sexual orientation, marital status, military or veteran status, or appearance.

c. **Sexual Harassment**: Sexual harassment is an unlawful activity which is prohibited and is considered a form of discrimination under Title VII of the Civil Rights Act of 1964 and is prohibited under Weber County's harassment policy. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors or other verbal or physical acts of a sexual or sex-based nature when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) the conduct has the purpose or effect of unreasonably interfering with an individual's employment opportunities; or (3) such conduct unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment.
   i. There are two types of sexual harassment:
      1. "Quid pro quo" harassment, where submission to harassment is used as the basis for employment decisions. Employee benefits such as raises, promotions and better working hours are directly linked to sexual advances. Therefore, only someone in a

supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Examples include, but are not limited to, making as a condition of employment, or continued employment, the acceptance, submission or tolerance of sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.

2. "Hostile work environment," where the harassment creates an offensive and unpleasant working environment that unreasonably interferes with an employee's work performance. A hostile work environment can be created by anyone in the work environment, whether it be supervisors, other employees, or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials or even unwelcome physical contact as a regular part of the work environment. Texts, e-mails, cartoons or posters of a sexual nature; vulgar or lewd comments or jokes, or unwanted touching or fondling all fall into this category.

ii. Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

1. Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor (this includes repeated, unwelcome requests for dates); and verbal abuse or "kidding" that is oriented toward a prohibited form of harassment, including that which is sexual in nature and unwelcome.
2. Non-verbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimilies, e-mail, photos, text messages, tweets, and internet postings; or other form of communication that is sexual in nature and offensive.
3. Physical sexual harassment includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing and forced sexual intercourse or assault.

B. Equal Opportunity Employment

1. Weber County is an "Equal Opportunity Employer" committed to nondiscrimination in all employment-related practices and decisions, including but not limited to

recruitment, hiring, promotion, compensation, benefits and all other practices and decisions affecting employment status, rights and privileges.

2. Supervisors are required to take appropriate action to ensure all employment-related practices and decisions are made without discrimination, harassment or prejudicial treatment because of race, color, religion, age, sex, national origin, disability status, genetics, protected veteran status, sexual orientation, gender identity or expression, or any other characteristic protected by federal, state or local laws.

C. Retaliation

1. No hardship, loss, benefit or penalty may be imposed on an employee in response to filing or responding to a complaint of discrimination or harassment, appearing as a witness in the investigation of a complaint, or serving as an investigator of a complaint.

2. Retaliation can include a wide variety of conduct intended to restrain, or that has the effect of restraining employees from participating in protected activities. For example, being fired or demoted, a reduction in pay, denying training opportunities, refusal to hire, denial of promotion, threats, negative performance appraisals, increased monitoring, etc.

3. Lodging a bona fide complaint will in no way be used against the employee or have an adverse impact on the individual's employment status. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. Any person who is found to have violated this aspect of the policy will be subject to discipline up to and including termination of employment.

D. Confidentiality

1. In no event will information concerning a complaint of harassment, discrimination or retaliation be released to third parties or to anyone within the County who is not directly involved with the investigation, unless required by law. Department directors should maintain strict confidentiality over their knowledge of, and any actions with respect to, the investigation. The purpose of this provision is to protect the confidentiality of any employee who files or is otherwise involved with a complaint, to encourage the reporting of any incidents of harassment, discrimination or retaliation, and to protect the reputation of any employee wrongfully charged.

2. All employees and any special investigators are required to maintain confidentiality with respect to on-going investigations or records involving complaints of harassment, discrimination, retaliation, or inappropriate behavior.
    a. An exception to confidentiality shall be made with respect to appropriate supervisors, directors or legal authority for the purpose of conducting proper investigation and review through established procedures. However, subordinates and other supervisors outside the scope of the investigation or who are not a party to such are excluded from the sharing of information or records pertinent to an investigation or action.

b. Parties to the investigation are to be cautioned to maintain this same level of confidentiality.
c. Whenever the restoration of an employee back to duty without disciplinary action occurs as a result of the outcome of the investigation, the accused employee's personnel files and records shall be expunged of all references to the alleged activity giving rise to the investigation.

E. Complaint Procedure

1. Weber County has established the following procedure for lodging a formal complaint of harassment, discrimination or retaliation. The county will treat all aspects of the procedure confidentially to the extent reasonably possible.

    a. An individual who feels harassed, discriminated or retaliated against, or an individual who observes such conduct, may initiate the complaint process by reporting the conduct to a supervisor, a department director or elected official, the human resources department, the civil division of the county attorney's office, or by calling the harassment hotline at 801-399-8355.
        i. Each employee has a responsibility to maintain the work place free of any form of harassment, and shall report an incident, either from personal observation or as a result of an employee coming forward, to the HR department.
        ii. Upon receiving a complaint, the department director or elected official or human resources department may make any arrangements necessary to protect the involved parties, which may include paid administrative leave or require a temporary change in assignment or status for the suspected violator or the victim.

    b. Upon receiving a complaint or being advised that violation of this policy may be occurring, the HR department will, within seven (7) business days of receiving the complaint, notify the person(s) charged of a complaint and initiate the investigation to determine whether there is a reasonable basis for believing that the alleged violation of this policy occurred.

    c. During the investigation, the HR Director, together with the HR Assistant Director, and on some occasions an investigator, or legal counsel, will interview the complainant, the respondent, and any witnesses to determine whether the alleged conduct occurred.

    d. Within thirty (30) business days of the complaint being filed (or the matter being referred to the HR department), the HR director or other person conducting the investigation will conclude the investigation and submit a written report of his or her findings to the department director or elected official.

    e. If it is determined that harassment or discrimination in violation of this policy has occurred, the HR director will recommend appropriate disciplinary action.

i. The following, along with other relevant factors, will be considered in determining the appropriate action:
   1. The severity, frequency and pervasiveness of the conduct;
   2. Prior complaints made by the complainant;
   3. Prior complaints made against the respondent;
   4. The quality of evidence (e.g., first-hand knowledge, credible corroboration)

ii. Depending on the seriousness or severity of any violation of this policy, the offender may be subject to severe discipline, up to and including discharge.

f. If the investigation is inconclusive or if it is determined that there has been no violation of policy, but potentially problematic conduct may have occurred, the HR director may recommend appropriate preventative action or discipline.

g. Within seven (7) business days after the investigation is concluded, the HR director will meet with the complainant and the respondent separately, notify them of the findings of the investigation, and inform them of the action being taken.

h. A written record of each action taken pursuant to the policy will be placed in the offending employee's permanent personnel file unless the complaint is deemed unfounded or unless it results only in non-disciplinary oral counseling. The record will reflect the conduct and action taken. Any disciplinary action that is taken against an employee regarding harassment, discrimination or retaliation cannot be removed from the permanent personnel file.

F. Appeals

1. A complainant or an accused may file an appeal with the County Commission by submitting to the Director of Human Resources a written justification citing a specific reason for the appeal within five (5) working days of receipt of the final findings of the investigation.

   a. After receiving an appeal, the County Commission shall issue a final written decision, affirming or rejecting the decision of the investigation.

   b. The County Commission is not required to hold a hearing. The County Commission's consideration of the matter shall be limited solely to the written report of the investigation.

   c. If the County Commission fails to issue a final written decision on an appeal within 60 days of the day on which the County Commission receives the appeal, the appeal shall be considered denied as a final decision of the County Commission.

2. An employee that accuses the County of discriminatory or prohibited employment practices as prohibited by Utah Code 34A-5-106, may file a complaint with the Division of Antidiscrimination and Labor created in Utah Code 34A-1-202.

3. A county employee that files a complaint with the Division of Antidiscrimination and Labor shall file the complaint within 30 days after the day on which the County Commission heard the appeal and issues a written decision on the county employee's grievance or appeal.

DATED this 13th day of October, 2026.

BOARD OF COUNTY COMMISSIONERS
OF WEBER COUNTY:

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ATTEST:

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Weber County Clerk/Auditor

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Human Resources

Approved as to form and legality:

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