

## I. POLICY

Salt Lake Community College promotes an inclusive and collaborative work environment. It is the college's policy to provide all college employees with a work environment that is free from workplace bullying or abusive conduct.

The college complies with state laws prohibiting workplace bullying.

## II. REFERENCES

Utah Public Employees Healthy Workplace Act, U.C.A. §§ 67-26-101–301.

## III. DEFINITIONS

- A. Workplace bullying: Verbal, nonverbal, or physical conduct of one employee toward another that, based on the severity, nature, or frequency of the conduct, a reasonable person would determine the actor intended to cause intimidation, humiliation, or unwarranted distress; resulted in substantial physical or psychological harm, humiliation, or unwarranted distress; or exploited an employee's known physical or psychological disability.
- B. See [Personnel Definitions](#) for other applicable definitions.

## IV. PROCEDURES

- A. General
  - 1. The college prohibits all employees from engaging in acts of workplace bullying.
  - 2. Employee Relations Director will update and maintain examples of behaviors which constitute and do not constitute workplace bullying within the [Workplace Bullying Avoidance webpage](#).
- B. Workplace Bullying Reporting
  - 1. An employee, a witness, or another party may report bullying by completing the online form or report the behavior directly to Employee Relations through email, in person, or over the phone.

Employee Relations

Date of last cabinet review: May 31, 2022.

The originator of this policy & procedure is Employee Relations. Questions regarding this policy may be directed to the originator by calling 801-957-4212.

Director  
Taylorsville Redwood Campus  
Academic and Administration Building Room 201E  
801.957.4562  
employeerelations@slcc.edu

2. A complainant should document the occurrence, identify witnesses, seek support through employee relations, the Employee Assistance Program (EAP), or their supervisor or second-level supervisor when appropriate.
3. Workplace bullying complaints must be made within 90 calendar days of the most recent alleged behavior. Complaints made outside the 90-day window will be reviewed as a general violation of the Employee Conduct policy.

#### C. Initial Complaint Review

1. Upon receipt of a workplace bullying complaint, the Employee Relations director or designee will discuss complaint allegations with the complainant.
2. If the Employee Relations Director determines the complaint does not warrant an investigation, the Employee Relations director may suggest informal resolution to the parties or refer the parties to appropriate supportive measures such as the EAP.
3. If the Employee Relations director determines the bullying behaviors may violate the Anti-Discrimination and Harassment Policy or Sexual Harassment Policy, or the behavior violates a law, the Employee Relations director will contact the EEO & Title IX director or the executive director of Public Safety, as appropriate.
4. The associate vice president for People and Workplace Culture, in consultation with the Employee Relations director and legal counsel, will make decisions on concerns that investigators or mediators do not have appropriate training, are biased, or have a conflict of interest in violation of college policy. If the associate vice president substantiates the concern, the investigator or mediator will be removed from the process.

#### D. Informal Resolution

1. Informal Resolution is a complaint resolution approved by the parties involved that occurs outside of the investigative process outlined in this policy. This includes but is not limited to any formalized methods of resolution.
2. The college encourages informal resolutions to resolve workplace bullying complaints. Informal resolutions are voluntary, and the college will not compel either complainant or respondent into an informal resolution.

3. Informal resolution may replace an investigation when:
  - a. both parties agree in writing to informal resolution;
  - b. both parties are aware that either party may choose to opt out of informal resolutions at any time before the parties reach a resolution; and
  - c. The Employee Relations director approves of the informal resolutions.
4. If the parties agree to an informal resolution, the Employee Relations director will appoint a facilitator.
5. The facilitator may:
  - a. conduct an inquiry to determine the facts;
  - b. facilitate the parties' negotiation to a mutually agreeable resolution;
  - c. conduct a follow-up review, if agreed to by the parties, to ensure the parties are abiding by the negotiated resolutions; and/or
  - d. take other actions appropriate to an informal resolution process.
6. If the informal resolution process results in an agreement:
  - a. the facilitator will prepare a written agreement incorporating all the negotiated terms;
  - b. the parties will sign the agreement, and each will receive a copy of the signed agreement; and
  - c. the agreement must be approved through appropriate college personnel.
7. Insufficient Informal Resolution
  - a. If informal resolution is not successful, Employee Relations will conduct an investigation.
  - b. If informal resolution is successful, but either party does not meet the terms of the agreement, the Employee Relations director will determine the next steps.
8. All informal resolution processes are confidential.

#### E. Investigation

1. If the Employee Relations director or designee decides to investigate based on the complaint and information received, the Employee Relations director will assign an investigator.

2. The investigator must:
  - a. maintain confidentiality to the extent possible;
  - b. notify the appropriate level supervisor not involved in the case;
  - c. notify the responding party and witnesses of the college's prohibition of retaliation and interference with the investigation;
  - d. conduct interviews and collect relevant documents;
  - e. complete an investigation within 30 calendar days unless the investigators can show good cause for extending the investigation and they advise all parties; and
  - f. prepare a written investigative report detailing the findings and a determination whether workplace bullying has occurred.
3. During the investigative process, Employee Relations must provide all parties with a list of appropriate supportive measures available to them, including but not limited to the EAP.
4. The Associate Vice President of People and Workplace Culture will determine whether the college will grant an investigation time extension.
5. Upon completion of the investigative report, the investigator will deliver the written report to the Employee Relations director, the complainant, respondent, and respondent's appropriate level supervisor.
6. If the investigator determines that workplace bullying was more likely than not to have occurred (preponderance of the evidence), Employee Relations will work with the respondent's supervisor, or the next level supervisor not involved in the complaint, on appropriate corrective action.
7. Whether or not the investigator determines workplace bullying occurred, the Employee Relations director may:
  - a. recommend an informal resolution;
  - b. recommend supportive measures; or
  - c. work with the appropriate supervisor on next steps for reconciliation.
8. If, through the investigative process, violations of the Employee Conduct, Antidiscrimination and Harassment, Title IX, or other policies are found, such violations will be documented and managed per the policy and the appropriate level supervisor.

F. Appeal.

1. The complainant or respondent may appeal in writing to the Associate Vice President of People & Workplace Culture within 5 business days of the decision or determination. A party may appeal for any of the following reasons:<sup>1</sup>
  - a. the investigation denial is not aligned with the standards in this policy;
  - b. the investigation determination is not aligned with the standards in this policy;
  - c. the investigation determination is not supported by the evidence gathered in the investigation;
  - d. a procedural problem that affected the outcome of the investigation;
  - e. new evidence that was not reasonably available at the time of the determination; or
  - f. the Employee Relations director or the investigator had a conflict of interest or bias that affected the outcome.
2. Any appealing party must clearly state the grounds on which they are appealing the decision in the written appeal.
3. Upon receiving an appeal, the associate vice president must forward the entire appeal to the other party within two business days.
4. The other party may submit a written statement or response to the appeal within five business days of the sending of the notice to the other party.
5. After review of the appeal and response, the Associate Vice President of People and Workplace Culture will issue a written determination within 10 business days, which is final and binding.

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<sup>1</sup> Note: Corrective action determinations and appeals are made according to the corrective action policy and the grievance policy.