**R477. Government Operations, Human Resource Management.**

**R477-15. Workplace Harassment Prevention.**

**R477-15-1. Policy.**

It is the policy of this state to provide a work environment free from discrimination and harassment based on protected class or activity. This policy regulates behaviors that are harassing, discriminatory, or retaliatory regardless of whether the behavior would constitute a violation of applicable state or federal laws.

(1) Workplace harassment occurs when conduct:

(a) is based on race, religion, national origin, color, sex, age, disability, pregnancy, sexual orientation, gender identity, or protected activity or class under state or federal law;

(b) is unwelcome, pervasive, demeaning, ridiculing, derisive, or coercive; and

(c) results in a hostile, offensive, or intimidating work environment.

(2) Discrimination occurs when a tangible employment action is taken against an employee because of any characteristic or activity listed in Subsection R477-15-1(1)(a).

(3) Management may discipline an employee for violating workplace policies, even if:

(a) the conduct occurs outside of scheduled work time or work location; or

(b) the conduct is not sufficiently severe to constitute a violation of law.

(4) Once a complaint has been filed, the accused may not communicate with the complainant regarding allegations of harassment.

**R477-15-2. Retaliation.**

No person may retaliate against any employee who opposes a practice forbidden under this policy, or has filed a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing, or is otherwise engaged in protected activity.

**R477-15-3. Complaint Procedure.**

Management shall permit employees who allege workplace harassment or retaliation to file complaints and engage in a review process free from bias, collusion, intimidation, or retaliation. Complainants shall be provided a reasonable amount of work time to prepare for and participate in internal complaint processes.

(1) An employee who feels they are being subjected to workplace harassment or retaliation should do the following:

(a) document the occurrence;

(b) continue to report to work; and

(c) identify witnesses, if applicable.

(2) An employee may file an oral or written complaint of workplace harassment or retaliation with their direct supervisor, any other supervisor within their direct chain of command, or the Division of Human Resource Management, including the agency human resource field office the Utah Labor Commission Antidiscrimination and Labor Division, or the Equal Employment Opportunity Commission.

(a) Any employee, witness, volunteer, or other individual may submit a complaint.

(b) A complaint may be made through either oral or written notification and shall be handled in compliance with investigative procedures and records requirements in Sections R477-15-4 and R477-15-5.

(c) Any supervisor who has knowledge of workplace harassment or retaliation shall take immediate, appropriate action in consultation with DHRM and document the action.

(3) Management shall act on any complaints of workplace harassment or retaliation following receipt of the complaint.

(4) Management shall notify the complainant if investigation is unwarranted.

**R477-15-4. Investigative Procedure.**

(1) When an investigation is warranted, the investigation shall be conducted based on DHRM standards.

(2) Results of Investigation.

(a) If the investigation finds the allegations to be sustained, management shall take appropriate administrative action.

(b) If an investigation reveals evidence of criminal conduct in workplace harassment or retaliation allegations, the agency head or DHRM Division Director may refer the matter to the appropriate law enforcement agency.

(c) At the conclusion of the investigation, the appropriate parties shall be notified.

**R477-15-5. Workplace Harassment Records.**

(1) DHRM shall maintain and store a separate, confidential file of any workplace harassment and retaliation complaints in the agency human resource field office, or in the possession of an authorized official.

(a) Files shall be retained in accordance with the retention schedule after the active case ends.

(b) Any information contained in the complaint file shall be classified as protected under Section 63G-2-305.

(c) No person may release information contained in the workplace harassment and retaliation file unless the agency head or DHRM Division Director determines the release is required by law.

(2) A supervisor may not keep separate files related to complaints of workplace harassment or retaliation.

(3) Any participant in any workplace harassment or retaliation proceeding shall treat any information pertaining to the case as confidential.

**R477-15-6. Training.**

(1) DHRM shall provide employees training, including additional training for supervisors, on the prevention of workplace harassment.

(a) The curriculum shall be approved by the Division of Risk Management.

(b) Management shall ensure employees complete workplace harassment prevention training upon hire and at least every two years thereafter.

(c) Management shall submit training records to DHRM including who provided the training, who attended the training, and when they attended it.

**KEY: administrative procedures, hostile work environment**

**Date of Last Change: July 1, 2025**

**Notice of Continuation: March 9, 2022**

**Authorizing, and Implemented or Interpreted Law: 63A-17-106; 63A-17-306; 63G-2-305; E.O. No. 2019-1 "Prohibiting Unlawful Workplace Harassment, Discrimination, and Retaliation and Ordering a Mandatory Supervisor Training Program"**