



Utah Reclamation Mitigation & Conservation Commission
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COMMISSIONERS
Brad T. Barber, Chair
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Date: July 8, 2021
From: Mark Holden, Executive Director
To: All Mitigation Commission employees
Subject: Anti-Harassment Policy and Zero Tolerance Statement

1. Purpose: This memorandum sets forth the Anti-Harassment Policy and Zero Tolerance statement and procedure for processing allegations of harassment in the Utah Reclamation Mitigation and Conservation Commission. This Anti-Harassment Policy and Zero Tolerance Statement are *in addition to* Utah Reclamation Mitigation and Conservation Commission's Equal Employment Opportunity (EEO) Policy. I want to assure all employees of the agency's commitment to maintaining a work environment that is free of harassment and in which all employees are treated with dignity and respect.
2. Significant Changes: New Issuance
3. Scope: This policy applies to all employees of the Utah Reclamation Mitigation and Conservation Commission.
4. Effective Date: Upon Issuance; until superseded.
5. Policy: It is the policy of the Utah Reclamation Mitigation and Conservation Commission to maintain a model workplace free from harassment and other forms of discrimination based on race, color, religion, sex, national origin, age (over 40), physical/mental disability, sexual orientation, gender identity, pregnancy status, protected genetic information and parental status. Harassment or discrimination of any kind is contrary to our core values and undermines performance and productivity. Harassment or discrimination in the workplace will not be tolerated. It is part of this policy to address harassing conduct before it becomes pervasive.

Further, the Utah Reclamation Mitigation and Conservation Commission will not tolerate reprisal/retaliation against an employee who has participated in the process by filing a charge, testifying, or any other involvement in a claim of discrimination or harassment.

To be unlawful, the harassing conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person. Unlawful harassment includes, but is not limited to, unwelcome intimidation, ridicule, insults, offensive jokes, slurs, epithets, gossip, negative stereotyping or name calling; threats, or putdowns; or physical conduct based on race, color, religion, sex, national origin, age, disability, sexual orientation or genetic information whether such act is oral, written, or electronic communications - including social media, physical gestures or contact, images, and objects, where:

- (1) An employee's acceptance or rejection of such conduct explicitly or implicitly forms the basis of an employment decision affecting the employee, or
- (2) The conduct is sufficiently severe or pervasive as to alter the terms, conditions, or privileges of an individual's employment, or otherwise create an abusive work environment.

Workplace harassment is defined as any unwelcome, hostile, or offensive conduct that interferes with an individual's performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment is a form of workplace harassment that is prohibited and will not be tolerated. Analogous to other forms of workplace harassment, it involves unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- (2) Submission to or rejection of such conduct by an individual is used as the basis for Employment decisions affecting such individual, or
- (3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Examples of sexual harassment include, but are not limited to, written or graphic material of a sexual nature; offensive remarks about looks, clothing, or body parts; inappropriate touching, or pressure for social dates.

Bullying, a form of harassment that is not necessarily Equal Employment Opportunity (EEO)-based, is defined as unwanted, offensive or malicious behavior calculated to undermine, patronize, humiliate, intimidate, or demean the recipient. Bullying can range from face-to-face encounters to "cyberbullying" and can occur on a peer-to-peer basis, as well as between a supervisor and subordinate.

6. Responsibilities

- A. Employees. Each employee is responsible for treating one another with professionalism and respect and contributing to a workplace free from harassment and/or retaliation. It is my expectation that all Utah Reclamation Mitigation and Conservation Commission employees will abide by the letter, spirit, and intent of this policy statement.

If possible, an employee who believes he or she is being harassed should communicate clearly to the other person that their conduct is unwelcome and must stop immediately. If problems continue, the employee should contact the Executive Director, who will take every effort to promptly and effectively resolve the issue in a confidential manner.

Alternatively, the employee may directly contact the Bureau of Reclamation's Upper Colorado Region Human Resources Officer. Contact information is provided in Article 8 below.

Employees must pursue allegations of EEO-based harassment through the EEO complaint process within 45 calendar days of the latest incident of harassment or awareness of it. The Utah Reclamation Mitigation and Conservation Commission supports and upholds the rights of all employees to exercise their rights under the civil rights statutes.

- B. Executive Director. The Executive Director has the responsibility to prevent and promptly correct discriminatory and/or harassing conduct in the workplace. The Executive Director is responsible for the actions of its employees, and, in some cases, the acts of others when the Executive Director knows of or should have known of the behavior. Allegations of any type of harassment cannot be ignored.

Once the agency is made aware of a complaint/report, it will be taken seriously and the Executive Director will conduct a prompt, thorough and impartial investigation into the allegations immediately. The investigation will be started within five (5) working days barring extenuating circumstances (for example, one or more individuals involved in the investigatory process is on leave or unavailable, etc.). The investigation will be completed as quickly as possible. The Executive Director will issue a decision and implement any response or actions within 60 days of receipt of the complaint. The Executive Director may seek guidance from the Bureau of Reclamation's Upper Colorado Region Human Resources Officer throughout. The scope and formality of an inquiry depends on the nature of the allegations. An inquiry is required, even if the person alleging harassment asks that nothing be done or has filed an EEO complaint. The Executive Director must also take appropriate corrective action to prevent and correct unlawful harassment and ensure such behavior is not repeated.

- C. Confidentiality. All information provided during the harassment investigation process will be maintained on a confidential basis to the greatest extent possible. The maintenance of records and any disclosures of information from these records will be in compliance with the Privacy Act, 5 U.S.C. §552a. Any action taken to resolve and address issues of harassment will be confidential.
- D. Retaliation Unacceptable. Retaliatory action against an employee who raises a claim of harassment will not be tolerated. Employees who feel they have been discriminated against or retaliated against must contact the Bureau of Reclamation's Upper Colorado Region Human Resources Officer within 45 calendar days of when the most recent incident occurs prior to filing a formal complaint of discrimination.

- 7. Authority: Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-16; the Age Discrimination in Employment Act, 29 U.S.C. § 633a; the Rehabilitation Act, 29 U. S. C. § 791(g); the Civil Service Reform Act, 5 U.S.C. § 2302(b)(10); Executive Order 11478, as amended; Title II of the Genetic Information Nondiscrimination Act of 2008.

8. Contacts: Under an Interagency Agreement between the U.S. Bureau of Reclamation's Upper Colorado Region and the Utah Reclamation Mitigation and Conservation Commission, the Commission's assigned EEO Officer is the Bureau of Reclamation's Upper Colorado Region EEO Officer. The phone number for that office is 801-524-3624. For further information please contact the EEO Office at (801)-524-3624 or visit the Bureau of Reclamation's intranet site at <https://intra.uc.usbr.gov/EEO/index.html>.

Under an Interagency Agreement between the U.S. Bureau of Reclamation's Upper Colorado Region and the Utah Reclamation Mitigation and Conservation Commission, the Commission's assigned Human Resources Officer is the Bureau of Reclamation's Upper Colorado Region Human Resources Officer. The phone number for that office is 801-524-3865. For further information please contact the Human Resources Office at (801)-524-3865 or visit the Bureau of Reclamation's intranet site at <https://intra.uc.usbr.gov/EEO/index.html>.

The U.S. Equal Employment Opportunity Commission (EEOC) may be contacted at 1-800-669-4000 or 1-202-921-2544; further information is available at <https://www.eeoc.gov>.