UTAH VALLEY UNIVERSITY
Policies and Procedures

POLICY TITLE	Workplace Conduct	**Policy Number**	326
Section	People and Culture	**Approval Date**	June 30, 2022
Subsection	Conditions of Employment	**Effective Date**	June 30, 2022
Responsible Office	Office of the Vice President of People and Culture	**Last Review**	June 30, 2022

1.0 PURPOSE

1.1 Utah Valley University is committed to maintaining a work environment that encourages mutual respect and facilitates collegial relationships. This policy defines and prohibits abusive conduct in the workplace; describes the reporting of a violation of this policy; prohibits certain types of retaliation complaints; and outlines fact-finding, disciplinary actions, and procedures for responding to violations of this policy.

2.0 REFERENCES

2.1 *Family Educational Rights and Privacy Act (FERPA)*

2.2 *Health Insurance Portability and Accountability Act of 1996 (HIPAA)*

2.3 *Government Records Access and Management Act (GRAMA)*, Utah Code § 63G-2-101 (2008)

2.4 Utah Code Ann. § 67-21-1 et seq. *Utah Protection of Public Employees Act*

2.5 Utah Code Ann. § 67-26-203 *Utah Public Employees Healthy Workplace Act*

2.6 *Abusive Conduct Prevention,* Utah Admin. Code § 477-16-1 (2015)

2.7 UVU Policy 161 *Freedom of Speech*

2.8 UVU Policy 162 *Title IX Sexual Harassment*

2.9 UVU Policy 165 *Discrimination and Harassment*

2.10 UVU Policy 168 *Whistleblower Anti-Retaliation*

2.11 UVU Policy 371 *Corrective Actions and Termination for Staff Employees*

2.12 UVU Policy 648 *Faculty Personnel Reduction (Interim Policy)*

3.0 DEFINITIONS

3.1 Abusive conduct: An employee's verbal, nonverbal, or physical conduct toward another university employee that, based on the severity, nature, or frequency of the conduct (undertaken independently or in concert with others), a reasonable person would determine

1) Is intended to cause intimidation, humiliation, or unwarranted distress;

2) Results in substantial physical harm or substantial psychological harm as a result of intimidation, humiliation, or unwarranted distress; or

3) Exploits a university employee's known physical or psychological disability.

3.2 Complainant: An employee who has allegedly experienced abusive conduct or retaliation prohibited by this policy. The University may also be a complainant. Use of these terms does not imply that a finding of abusive conduct or retaliation is assumed or made before an investigation has been completed.

3.3 Formal complaint: A document submitted by a complainant alleging violations of this policy. This document may be a physical document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

3.4 Protected activity: Opposing or reporting any violation of law or UVU policy, including this policy, or participating in any manner in an investigation, hearing, or any proceeding to resolve an alleged violation of law or UVU policy. Examples of protected activities include reporting or assisting others in making a good-faith complaint (internally or externally) of policy violation; and participating in good faith as an investigator, witness, decision maker, or otherwise assisting in any UVU fact-finding, dispute resolution, or proceeding related to an alleged policy violation.

3.5 Respondent: An employee against whom an alleged complaint of conduct or retaliation prohibited by this policy has been made.

3.6 Retaliation: An action, performed directly or through others, that is aimed to dissuade a reasonable person from engaging in a protected activity or is done in retribution for engaging in a protected activity. Action in response to a protected activity is not retaliatory unless (1) it has a materially adverse effect on the working, academic, or other university-related environment of an individual; and (2) it would not have occurred in the absence of (but for) the protected activity.

3.7 Supportive measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge, to the complainant or the

respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to UVU's workplace or education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter abusive conduct. Supportive measures may include counseling; modifications of work or class schedules; campus escort services; mutual restrictions on contact between the parties; changes in work locations; leaves of absence; increased security and monitoring of certain areas of the campus; and other similar measures.

4.0 POLICY

4.1 Scope of Policy

4.1.1 This policy applies to all Utah Valley University employees, including full-time and adjunct faculty, executives, full-time and part-time staff, and student employees.

4.1.2 Nothing in this policy shall be interpreted to alter the status of otherwise at-will employees (e.g., staff during probationary period; adjunct faculty). A violation of this policy and completion of the processes described in this policy are not prerequisites to modification or termination of employment for at-will positions.

4.2 Relationship to Other Policies

4.2.1 Conduct and retaliation defined in and prohibited by UVU Policy 162 *Title IX Sexual Harassment*, UVU Policy 165 *Discrimination and Harassment*, and UVU Policy 168 *Whistleblower Anti-Retaliation* are subject to the procedures set forth in the applicable policy.

4.3 Policy Statement

4.3.1 The University strives to provide and maintain a workplace environment free from abusive conduct and expects all employees to demonstrate respect and fairness to others.

4.3.1.1 Employees shall not engage in abusive conduct toward another employee, including abusive conduct that occurs outside of scheduled work times or work locations.

4.3.1.2 Employees shall not engage in retaliation.

4.3.2 The University shall respond promptly and effectively to reports of abusive conduct prohibited by this policy and shall take appropriate action to stop and prevent the recurrence of such conduct.

4.3.3 This policy does not limit supervisors' rights to manage employees. Performance management, work assignment and evaluation, and disciplinary measures taken by Utah Valley

University for a valid reason, including in compliance with university policy, does not constitute abusive conduct.

4.3.4 Employees violating this policy are subject to disciplinary action up to and including termination of employment*).*

4.3.5 Employees who, in bad faith, deliberately make false or malicious accusations of conduct in violation of this policy shall be subject to disciplinary action, up to and including termination of employment from the University. A finding of no violation of this policy by the factfinder(s) does not in itself constitute proof of a false or malicious accusation.

4.3.6 Nothing in the policy shall be construed in a manner that impinges on individuals' rights or privileges protected by the US Constitution, including their protected free speech rights, as set forth in UVU Policy 161 *Freedom of Speech*.

4.4 Roles and Responsibilities

4.4.1 All employees have an obligation to show respect toward all members of the campus community. Employees are responsible for responding to and reporting perceived conduct prohibited by this policy.

4.4.2 Supervisors have an obligation to set expectations in their areas to ensure a safe, collegial, and respectful workplace for all employees and address conduct issues as they arise. If a supervisor becomes aware of conduct within their area that violates this policy, the supervisor shall report the conduct to People and Culture and, in consultation with People and Culture, coordinate any necessary supportive measures.

4.4.3 People and Culture may facilitate supportive measures for the complainant or respondent, advise supervisors, coordinate safety removal assessment under section 4.6, and administer the procedures under section 5.

4.5 Training

4.5.1 People and Culture shall provide annual training to educate all employees and supervisors on abusive conduct in the workplace. This training shall include information on

4.5.1.1 What constitutes abusive conduct and the ramifications of abusive conduct;

4.5.1.2 Resources available to employees who are subject to abusive conduct; and

4.5.1.3 The abusive conduct complaint process.

4.6 Safety Removal

4.6.1 A supervising executive (such as the President, Provost, Vice President, Dean, or Associate Vice President over the employee's primary university division), in consultation with People and Culture and the Office of General Counsel, may place an employee on non-disciplinary leave or establish restrictions on workplace locations or duties to mitigate identified risks. The restrictions on workplace locations and duties must be as limited in scope (particular buildings, offices, or contact from specific persons) as practicable to sufficiently mitigate the identified risks. Any decision to put an employee on administrative leave shall be based on an individualized determination in consideration of the best available evidence that the employee

1) Poses a credible, substantial risk of harm to individuals within the University or to the university community as a whole; or

2) Poses a credible, substantial risk of impeding the lawful activities, the educational processes, or the proper activities or functions of other members of the university community.

4.7 Confidentiality

4.7.1 University employees participating in any capacity other than as complainant or respondent in the process described in this policy must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the University's ability to provide the supportive measures.

4.7.2 University employees participating in any capacity other than as complainant or respondent in the process described in this policy must keep confidential (1) the identity of any individual who has made a report or complaint of a violation of this policy; (2) any complainant; (3) any individual who has been reported to be the perpetrator of a violation of this policy; (4) any respondent; and (5) any witness; except as may be permitted by the federal *Family Educational Rights and Privacy Act (FERPA)*; or as required by the *Utah Government Records and Management Act (GRAMA)*, *Health Insurance Portability and Accountability Act of 1996 (HIPPA),* or other law; or on a need-to-know basis to carry out the purposes of this policy or university operations.

4.7.3 All records created or maintained pursuant to the process described in this policy are classified as protected under GRAMA.

4.7.4 The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence. However,

1) Retaliation is prohibited. Attempts to alter or prevent a witness's or party's testimony are forms of prohibited retaliation.

2) Parties may be directed to cease communications with one another (i.e., a "no-contact directive").

3) Parties' communications remain subject to state laws protecting against defamation and tortious invasions of privacy.

5.0 PROCEDURES

5.1 Reporting

5.1.1 Employees are encouraged to bring their disputes or differences with other employees to the attention of their immediate supervisor, if feasible under the circumstances, before the situation potentially escalates into abusive conduct or violence.

5.1.1.1 Employees shall promptly report to People and Culture or, if an emergency, to campus police all threats of or acts of violence, both direct and indirect, by employees, students, or other members of the university community. People and Culture will coordinate additional notifications as necessary to police and supervisors.

5.1.2 An employee who is subjected to or who observes abusive conduct or retaliation prohibited by this policy should report the conduct to People and Culture

1) In person at Hall of Flags, Suite 105, 800 West University Parkway, Orem UT 84058 (M-F, 8 a.m to 5 p.m.)

2) By mail Utah Valley University, MS 272, 800 W. University Parkway, Orem, UT 84058 (anytime);

3) By telephone at 801-863-8207 (Monday through Friday, 8 a.m. to 5 p.m.;

4) By e-mail at HREmployeeRelations@uvu.edu (anytime);

5) Online, anonymously, or self-identified through the Report Concerns webpage at uvu.edu/audit/concerns/ (anytime).

5.2 Notices, Investigations, Hearings, and Appeals

5.2.1 All standards and procedures for resolving alleged policy violations, including supportive measures, informal resolution, formal complaint, notices, dismissal, investigation, hearing, and appeal, shall follow—to the extent feasible and consistent with this policy—UVU Policy 165. The resolution process will be coordinated by the Division of People and Culture.

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POLICY HISTORY		
Date of Last Formal Review: June 30, 2022		
Due Date of Next Review: June 30, 2027		
Date of Last Action	Action Taken	Authorizing Entity
March 7, 2001	Regular policy approved.	UVU Board of Trustees
June 30, 2022	Regular policy approved.	UVU Board of Trustees
January 4, 2024	Non-substantive changes: Changed "Human Resources" to "People and Culture"	UVU Policy Office
May 8, 2025	Non-substantive changes to update title of Policy 165	UVU Policy Office
September 22, 2026	Non-substantive change: Replace "EthicsPoint" with "Report Concerns webpage"	UVU Policy Office