



**Official Policy
of
Ogden Preparatory Academy**

6. Human Resources

6.29.POL Harassment and Discrimination Policy

Effective/Revision Date: 9/09/2021

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PURPOSE

Ogden Preparatory Academy (the School) prohibits discrimination based on race; color; religion; national origin; sex, gender identity, or sexual orientation; pregnancy, childbirth, or pregnancy-related conditions (including breastfeeding); age (if over 40); disability; or genetic information. To the extent these terms are defined in Utah Code 34A-5-102, the School relies on those definitions for the purposes of this Policy.

PROHIBITED DISCRIMINATION CONDUCT

1. Discrimination on the basis of race; color; religion; national origin; sex, gender identity, or sexual orientation; pregnancy, childbirth, or pregnancy-related conditions; age; disability; or genetic information is prohibited in employment practices. The School is prohibited from:
 - a. Discharging, demoting, terminating, retaliating against, refusing to hire or promote an otherwise qualified individual; and
 - b. Discrimination against an otherwise qualified individual with respect to compensation or in terms of privileges and conditions of employment, including fringe benefits, job training, classifications, or referrals.
2. School employees, volunteers and agents are prohibited from engaging in the following conduct if the conduct is based on race; color; religion; national origin; sex, gender identity, or sexual orientation; pregnancy, childbirth, or pregnancy-related conditions; age; disability; or genetic information:
 - a. Display of offensive or suggestive posters, pictures, or objects;
 - b. Offensive verbal harassment including remarks, questions, teasing, slurs or innuendo;
 - c. Inappropriate jokes about traits or characteristics;
 - d. Viewing, printing, or transmitting offensive material on a School computer; and
 - e. Conduct that is demeaning or derisive and occurs substantially because of race; color; religion; national origin; sex; pregnancy, childbirth or pregnancy-related conditions; age; disability.

3. An employee who believes he or she has been the target of discrimination in violation of this policy may contact the Human Resources Director. An employee may also choose to file a discrimination claim with either the state administrative agency, the Utah Antidiscrimination and Labor Division (UALD) of the Utah Labor Commissioner's Office or the federal administrative agency, the Equal Employment Opportunity Commission (EEOC). (Filing a claim with both agencies is unnecessary, as long as you indicate to one of the agencies that you want it to “cross-file” the claim with the other agency.) Contact information for these two offices is listed at the bottom of this policy.

PROHIBITED SEXUAL HARASSMENT CONDUCT

The School is committed to providing a workplace that is free from sexual harassment. Sexual harassment of any kind will not be tolerated. Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

The School will investigate all reports of violations of this policy and will take steps to stop violations, prevent recurrence, and remedy effects of violations as appropriate.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- The victim as well as the harasser may be a woman or a man.
- The victim does not have to be of the opposite sex.
- The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- Unlawful sexual harassment may occur without economic injury to or discharge of the victim.
- The harasser's conduct must be unwelcome.

School employees, volunteers, and agents are prohibited from engaging in sexually offensive conduct and sexual harassment on School time, on School premises, and during School activities, including but not limited to the following:

- Sexual conduct of any kind;

- Sexual advances, requests for sexual favors, sexually motivated physical conduct, regardless of consent of those involved;
- Subtle pressure for sexual activity;
- Inappropriate or unwelcome touching, patting, pinching, blocking or brushing against another's body;
- Foul or obscene language or gestures;
- Display of sexually offensive or suggestive posters, pictures, or objects;
- Sexually offensive verbal harassment including remarks, questions, teasing, slurs or innuendo;
- Inappropriate jokes about sex or gender-specific traits;
- Viewing, printing, or transmitting sexually offensive material on a School computer; and
- Conduct that is demeaning or derisive and occurs substantially because of a person's sex, sexual orientation and/- or gender identity.

ADDITIONAL PROHIBITED CONDUCT FOR SUPERVISORS

School employees responsible for supervising other employees are prohibited from having any kind of romantic and or sexual interaction with an employee they supervise.

PROCEDURES FOR REPORTING SEXUAL HARASSMENT

1. If Administration receives an allegation of sexual harassment against an employee or third party (a visiting speaker or team member, vendor, patron, parent, etc.), or if Administration has reason to believe sexual harassment is occurring, Administration will notify the Human Resources Director immediately.
2. When the Human Resources Director receives a report of sexual harassment, or has reason to believe sexual harassment is occurring, the Director will coordinate the necessary steps to ensure that the matter is promptly investigated and addressed.
3. If the allegation is determined to be credible, the School Administration will take immediate and effective measures to end the unwelcome behavior.
4. The School will seek to protect the identities of the alleged victim and harasser, except as reasonably necessary and as required under the law.
5. The School will take the necessary steps to protect from retaliation those employees who in good faith report incidents of potential sexual harassment.
6. Employees who have been found by the School to have subjected another employee to unwelcome conduct of a sexual nature, whether the behavior meets the legal definition of

sexual harassment or not, may be subject to discipline up to and including termination of employment.

EMPLOYEE’S RIGHTS

- Any employee who believes he or she has been the target of sexual harassment is encouraged to inform the offending person orally or in writing that such conduct is unwelcome and offensive and must stop.
- If the employee does not wish to communicate directly with the offending person, or if such communication has been ineffective, the employee should report the conduct in writing to Administration or the Human Resources Director.
- An employee may also choose to file a grievance in accordance with the grievance policy.
- An employee may also choose to file a harassment claim with either the state administrative agency, the Utah Antidiscrimination and Labor Division (UALD) of the Utah Labor Commissioner's Office or the federal administrative agency, the Equal Employment Opportunity Commission (EEOC). (Filing a claim with both agencies is unnecessary, as long as you indicate to one of the agencies that you want it to “cross-file” the claim with the other agency.) Contact information for these two offices is listed at the bottom of this policy.

EMPLOYEE RESPONSIBILITIES

- If an employee is aware of a violation of this policy, the employee will report immediately to Administration or the Human Resources Director.
- If an employee is informed that their conduct is unwelcome and offensive, the employee must cease the referenced behavior immediately.

RETALIATION PROHIBITED

The School prohibits retaliation against any person who reports violations of this policy or participates in processes under this policy. Retaliation includes, but is not limited to, intimidation, reprisal and harassment.

Utah Antidiscrimination and Labor Division
Street Address: 160 East 300 South, 3rd Floor
Salt Lake City, UT 84111

Mailing Address: P.O. Box 146630
Salt Lake City, UT 84114-6630

Phone: (801) 530-6801
Toll Free: (800) 222-1238
TDD: (801) 530-7685
Fax: (801) 530-7609

To file a claim with the EEOC, contact your EEOC office below. More information about filing a claim with the EEOC can be found at <http://www.eeoc.gov/facts/howtofil.html>.

EEOC's Phoenix District Office
3300 N. Central Avenue Suite 690
Phoenix, AZ 85012-1848
Phone: (602) 640-5000
TTY: (602) 640-5072

Document History

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Legal References

Title VII
Equal Pay Act
ADEA
Title V of ADA
GINA
Civil Rights Act of 1991
Utah Code, 34A-5-106
Utah Code 34A-5-102