
SUBJECT: PROHIBITION ON ABUSIVE CONDUCT

1.0 PURPOSE

- 1.1. To establish that it is the policy of Snow College to provide a workplace environment that is respectful and free from abusive conduct and implement measures to report and resolve abusive conduct and provide training.

2.0 DEFINITIONS

- 2.1. Abusive Conduct: Verbal, nonverbal, or physical conduct of a covered employee to another covered employee that, based on the severity, nature, or frequency of the conduct, a reasonable person would determine:
 - 2.1.1. is intended to cause intimidation, humiliation, or unwarranted distress;
 - 2.1.2. results in substantial physical harm or substantial psychological harm as a result of intimidation, humiliation, or unwarranted distress; or
 - 2.1.3. exploits a covered employee's known physical or psychological disability.
 - 2.1.4. The following actions do not constitute abusive conduct:
 - 2.1.4.1. A single act unless especially severe and egregious;
 - 2.1.4.2. Appropriate disciplinary or administrative actions;
 - 2.1.4.3. Appropriate coaching or work-related feedback;
 - 2.1.4.4. Reasonable work assignments or job reassignments, or;
 - 2.1.4.5. Reasonable difference in styles of management, communication, expression, or opinion.
- 2.2. Covered Employee: Each governing member and employee of Snow College.
- 2.3. Complainant: The covered employee who reports an alleged case of abusive conduct.
- 2.4. Physical Harm: The impairment of an individual's physical health or bodily integrity, as established by competent evidence.
- 2.5. Psychological Harm: The impairment of an individual's mental health, as established by competent evidence.
- 2.6. Respondent: The covered employee who is alleged to have engaged in Abusive Conduct.

3.0 POLICY

- 3.1. It is the policy of Snow College to provide a workplace environment that is respectful and free from Abusive Conduct. Covered Employees who engage in abusive conduct will be subject to corrective measures which may include a referral for Corrective Action.
- 3.2. The Office of Human Resources will investigate all formal complaints of abusive conduct.

- 3.2.1. The Office of Human Resources will develop procedures for investigating complaints of abusive conduct including a formal complaint process, an investigation process, a process for administrative review by a vice president or higher, and a voluntary mediation process.
 - 3.2.2. If a member of Human Resources is the complainant or respondent in a complaint of abusive conduct, or if another serious conflict exists, Human Resources shall develop in the procedures methods to resolve the conflict.
- 3.3. If it is determined at the conclusion of an investigation and after review in the administrative review process (if requested by a party) that abusive conduct occurred, as established by a preponderance of the evidence, in order to resolve abusive conduct the respondent(s) will be referred to training, a performance improvement plan, other appropriate corrective measures, and/or Corrective Action at a Level depending on the severity and pervasiveness of the conduct, and in accordance with the applicable Corrective Action policy:
 - 3.3.1. Policy 318 governs Corrective Action for Staff;
 - 3.3.2. Policy 402 governs Corrective Action for Faculty.
- 3.4. Consistent with other prohibitions on retaliation in Snow College policy, retaliation against an individual who reports abusive conduct, or an individual who provides information related to an investigation, is expressly prohibited.
 - 3.4.1. Retaliation may include intimidation, threats, coercion, discrimination, or making a charge of misconduct for the purpose of interfering with an individual's right to make a complaint or provide information.
- 3.5. Snow College will provide annual training to all covered employees on abusive conduct in the workplace.
- 3.6. Snow College shall report to the appropriate department of the State of Utah all required information regarding abusive conduct in the workplace.
- 3.7. This Policy does not create a private right of action or a grievance right, complaints of an abusive workplace may only be processed through this Policy.