

## **Addition to Academic Staff Legislation**

### **PART I: Language Describing Hostile and/ or Intimidating Behavior**

Unwelcome behavior that a reasonable person would find hostile and/or intimidating, and that makes the climate for work less hospitable and does not further the University's academic or operational interests is unacceptable as it impairs another's ability to perform his/her responsibilities to the university. A person or a group can perpetrate this behavior. The person need not be more senior than or a supervisor to the target. Unacceptable behavior may include, but is not limited to:

- Abusive expression (including spoken, written, recorded, visual, digital, or nonverbal, etc.) directed at another person in the workplace, such as derogatory remarks or epithets that are outside the range of commonly accepted expressions of disagreement, disapproval, or critique in an academic culture and professional setting that respects free expression;
- Unwarranted physical contact or intimidating gestures;
- Exclusion or isolation having the effect of harming another person's reputation in the workplace or hindering another person's work;
- Sabotage of another person's work or impeding another person's capacity for academic expression, be it oral, written, or other; or
- Abuse of authority, such as the use of threats or retaliation in the exercise of authority, supervision, or guidance, or impeding another person from exercising shared governance rights, etc.

Repeated acts or pattern of hostile and/ or intimidating behaviors are of particular concern. A single act typically will not be sufficient to warrant discipline or dismissal, but an especially severe or egregious act may warrant either.

This definition of hostile and/ or intimidating behavior is not intended to impede academic freedom or violate rights to free expression. The definition will not in any way constrain commonly accepted workplace management practices, e.g., performance reviews, discipline that complies with University policy, reassignment of duties, etc. This legislation is intended to address patterns of hostility or intimidation that impede persons from carrying out their duties to the University, ensuring that all, regardless of rank or status, may pursue their work and speak as they see fit.

### **PART II: Procedures for Implementation of Part I**

A person who has been the target of hostile and/ or intimidating behavior may use the informal process for redress or proceed directly to the formal process.

#### **1. The Informal Process**

A person who believes he/she has been subjected to unacceptable hostile and/ or intimidating behavior may wish to discuss the matter with the academic staff member involved either directly or through the intervention of an intermediary at the department, school/college, division, or campus level such as Ombuds or Employee Assistance Office.

Academic staff may use the informal resolution process outlined in Section 7.01 of Academic Staff Policies and Procedures (ASPP).

When an individual believes that these rules have been violated and seeks to deal with the problem informally, he/she should be prepared to identify precisely the pattern or acts of conduct believed to constitute the violation. Precision is often aided by expressing the complaint in writing. If the matter is not promptly resolved, and if the person complained against so requests, the complainant shall provide such a written statement.

Oral and written communications occurring during the informal process may not be used as evidence in any subsequent formal proceeding.

If a complaint about unwelcome behavior is being handled informally, and there is a dispute about whether the alleged behavior constitutes a violation of these rules, the person or body handling the matter shall seek advice on this question from the Office of Human Resources (OHR) and inform those concerned of the advice received.

A complainant who believes that informal approaches are inappropriate or that an informal process that has been invoked is not functioning or has not resolved the matter satisfactorily is entitled to invoke the formal process.

## 2. The Formal Process

### A. Filing a Written Complaint

An individual may file a written complaint with the department chair or unit head. If there is a conflict with the department chair/unit head, the complainant may file with the dean/director. ASPP (Academic Staff Policies & Procedures) Chapter 8 identifies rights for the individual against whom the complaint is filed. If upon investigation of the complaint, discipline or dismissal is appropriate, the department chair/unit head (or Dean/director), may initiate the disciplinary or dismissal process.

Discipline or dismissal can be imposed on academic staff members for violation of ASPP 6.01 in compliance with the requirements of the formal processes delineated in Chapter 6 of ASPP.

### B. Filing a Grievance

If filing a written complaint pursuant to Section 2.A above does not lead to a resolution, an employee may file a workplace grievance pursuant to applicable policies and procedures for the complainant's employee category.

Academic staff members may file a grievance with the Academic Staff Appeals Committee pursuant to ASPP 7.02 and consistent with this Section. If disciplinary procedures (ASPP Chapter 6) are not begun within 30 working days of the filing of the original written complaint pursuant to Section 2.A above, an academic staff member may file a grievance under ASPP 7.02. If disciplinary procedures are begun, an academic staff member may file a grievance within 20

working days from the time the Academic staff member knew or could reasonably be expected to have known that the Chapter 6 disciplinary procedures were completed or failed to lead to a resolution of the written complaint.