

Date: October 12, 2016, Final DRAFT for review by University Committee

To: University Committee

From: Ad Hoc Committee on Hostile and Intimidating Behavior: Amy Wendt (chair), Mark Loudon, Heather Daniels, Deb Shapiro, Steve Heimerl, Gwendolyn Jordan (now retired from UW), Neville Paul, Nathan Beck and Michael Bernard-Donals (ex officio)

Subject: Committee report

Background: In a memo from the UW-Madison University Committee dated April 10, 2015, and revised on December 17, 2015, our ad hoc committee was charged with “developing general guidelines and advice” related to legislation passed by the Faculty Senate and Academic Staff Assembly regarding hostile and intimidating behavior.

Specifically, the UC requested that our committee

(1) determine where formal and informal policies and processes on hostile and intimidating behavior should be housed;

(2) develop criteria for information to be made available, forms in which it should be disseminated, where it should be posted, and points of contact; and

(3) identify campus partners and define their role in disseminating information through processes such as (but not limited to) onboarding sessions, new chair orientations, and employee workshops.

The policies that motivated the development of the implementation plan described in this report outline procedures for intervention in situations in which hostile and intimidating behavior has already occurred. Here are links to the formal policies approved by shared governance groups:

University Staff Congress: development of policy in progress as of 10/11/2016

Academic Staff Assembly: <https://kb.wisc.edu/images/group171/45814/546-HostileandIntimidatingBehaviorLegislation.pdf>

Faculty Senate: http://www.secfac.wisc.edu/FacLeg300_399.htm - 332

The enacted policies are explicit in prohibiting hostile and intimidating behavior and stating a commitment to action when any UW employee is the target of such behavior. The committee thus sought to develop recommendations in the following areas: 1) identifying/clarifying lines of authority and responsibility to create a transparent response process; 2) providing training and support for both preventing incidents and responding to them when they occur; and 3) identifying multiple modes of ongoing communication to campus employees to convey basic information and definitions, resources available and the commitment of the campus to take action to reduce the rate of incidents on our campus.

Overview of Committee process: The ad hoc shared governance committee held twelve meetings from early December 2015 through May 2016 to gather information and develop recommendations. In these meetings, we reviewed campus policies related to hostile and intimidating behavior and the motivation for their development, reviewed current practices on our campus and best practices at other institutions, and discussed considerations for implementation. The meetings included group discussions among the committee members as well as with a series of visitors. Meeting guests included individuals involved in a 2014 “grassroots” campus initiative (led by Deans Shim and Ortalo-Magné) for improved campus practices related to hostile and intimidating behavior, as well as representatives from campus organizations who would be logical partners in the implementation of committee recommendations. Visitors included two (Luis Piñero and Rosa Garner) who

played key roles as developers and moderators of a series of small group conversations about sexual harassment around campus several years ago. In addition, Amy Wendt and Heather Daniels met with the University Staff Committee on Personnel Policy and Procedures on 1/26/2016 and received input from a number of university staff in attendance.

Table 1: HIB committee meeting guests.

Guest Speaker	Role	Date of HIB meeting
Luis Piñero	Director, Office of Equity and Diversity	12/18/2015
Dean Soyeon Shim, School of Human Ecology	Co-chair, 2014 Hostile and Intimidating Behavior Initiative	1/8/2016
Rosa Garner	Ombuds Office	3/4/2016
Tom Schaub	Ombuds Office	3/4/2016
Sherry Boeger	Employee Assistance	3/4/2016
Charles LaTorre	Employee Assistance	3/4/2016
Lynn Freeman	Director, Learning and Talent Development	4/1/2016

The committee also spent meeting time to identify the areas of need for UW-Madison and then to summarize these needs as a set of recommendations for implementation of HIB policies. Finally, the committee divided up into four subcommittees that each wrote a different section of the first draft of this report. The contributions of the four subcommittees were combined into a single draft report, subsequently discussed by the committee and revised.

Committee findings: Based on an investigation of practices on the UW-Madison campus, the ad hoc committee determined the following:

1. In cases where hostile and/or intimidating behavior (HIB) has occurred, intervention has typically not been sought by employees until the situation has escalated beyond the point where it can readily be defused. These cases are viewed as “missed opportunities” to take advantage existing campus resources to minimize distress and lost productivity.
2. Employees who experience HIB on the part of their supervisor indicate not only that the current level of support for addressing the problem is insufficient, but also that existing support systems are biased in favor of supervisors. Employees seek personal support in the forms of guidance and advocacy in navigating the process as well as emotional support in their effort to resolve conflict with their supervisor. Despite existing legal protections for “whistle blowers,” in practice, retaliation is a real and significant danger for those in subordinate positions.
3. Procedures for those experiencing or witnessing hostile and intimidating behavior and descriptions of existing resources available are currently not well known to the campus community, or easily found.
4. The frequency of occurrence of hostile and intimidating behavior (HIB) in our campus workplace is relatively high. In other words, our current campus culture

is one that is too tolerant of hostile and intimidating behaviors that adversely affect workplace productivity.

5. Support and due process for those accused of HIB is imperative.
6. In many parts of campus, existing reporting systems lack a clear line of authority and responsibility for addressing HIB.

Our committee found that many resources already exist on campus to assist in situations of hostile and intimidating behavior. However, locating and using the appropriate service can turn into a confusing maze for individuals seeking support. The lengthy list of offices that can potentially provide assistance includes, but is not limited to, an individual employee's departmental human resources representative; the Employee Assistance Office; the Ombuds Office for Faculty and Staff; departmental and unit chairs, deans, and directors; the Office of Equity and Diversity; and the Office of the Vice Provost for Faculty and Staff.

In the case of incidents where interventions outlined in policy have been initiated, the committee has determined that lines of authority and responsibility have not been clearly established.

Committee recommendations: Recommendations developed by the HIB committee are summarized in the list below. Following the list, each recommendation is described in detail.

RECOMMENDATION I: Create a small, well-trained cadre of individuals (referred to herein as "HIB resource representatives") across campus, similar to the network of Divisional Disability Representatives overseen by the Office for Equity and Diversity, who could serve as points of reference and assistance to individuals who may be the victims of hostile and intimidating behavior as well as to third parties who witness such behavior.

RECOMMENDATION II: Provide support and advocacy for those bringing complaints about hostile and intimidating behavior.

RECOMMENDATION III: Provide support and ensure due process for a person who has been accused of hostile and intimidating behavior.

RECOMMENDATION IV: Provide training and support for leaders. This support applies to deans, department chairs, directors and supervisors. These leaders need to make explicit workplace expectations and set a tone for the unit through their own example. Provide training for the cadre of HIB resource representatives in schools and colleges (Recommendation I). Provide behavior remediation options.

RECOMMENDATION V: Increase awareness of hostile and intimidating behavior through workplace events that engage faculty and staff. There is an identified need throughout the UW to increase awareness of what constitutes HIB and of methods to defuse situations when HIB is encountered or observed.

RECOMMENDATION VI: Actively disseminate information on hostile and intimidating behavior on an ongoing basis via various forms of campus media.

RECOMMENDATION VII: Foster positive work-life integration and provide tools to minimize the impact of stress in the workplace that can be a contributing factor in HIB.

RECOMMENDATION VIII: Create a campus website that provides guidance to all campus employees on identifying, remedying and preventing hostile and intimidating behavior in the workplace.

Recommendations Details

RECOMMENDATION I: Create a small, well-trained cadre of individuals (referred to herein as “HIB resource representatives”) across campus, similar to the network of Divisional Disability Representatives overseen by the Office for Equity and Diversity, who could serve as points of reference and assistance to individuals who may be the victims of hostile and intimidating behavior as well as to third parties who witness such behavior.

In selecting the cadre of university employees who will serve in this advisory role, several factors should be taken into consideration. Advisors must be people that employees feel comfortable approaching, and the cadre therefore should include individuals from a range of job classifications and personal backgrounds. Relevant experience and a track record for contributing to a positive work culture are also important. Selected HIB resource representatives should receive training to provide information and support, and to assist employees through the informal and formal processes (Recommendation IV).

RECOMMENDATION II: Provide support and advocacy for those bringing complaints about hostile and intimidating behavior.

Individuals who have experienced hostile and intimidating behavior should not be put in a position of vulnerability in discussing or reporting the behavior with either the person who exhibited the behavior, or with the person with whom the behavior is being discussed, or to whom the behavior is being reported.

- In the “informal process” (as described in Section II of the faculty and academic staff policies), if the person who experienced hostile and intimidating behavior wishes to discuss the matter with the person who exhibited the behavior, she or he should consider bringing a trusted colleague to accompany her or him.
- In the informal process described in Section II of the policies, if the person who experienced hostile and intimidating behavior wishes to discuss the matter with the person who exhibited the behavior through an intermediary, the intermediary should do all in her or his power to protect the person from further intimidation or retribution, and should take steps to ensure that the person who exhibited the behavior does not take action that further intimidates or threatens the person bringing the matter to her or his attention.
- Should the person experiencing hostile or intimidating behavior work through an intermediary in the informal process described in Section II of the policies, the intermediary should protect the anonymity of the person should she or he be asked to do so.
- Should the person experiencing hostile or intimidating behavior work through an intermediary in the informal process described in Section II of the described in Section II of the academic staff or faculty policy, the intermediary should offer the person a list of resources or persons with whom she or he can further discuss the matter, including the Office of Employee Assistance, the Ombuds Office, the Vice Provost for Faculty and Staff, the Office of Equity and Diversity, and the unit Human Resources representative.
- In the case of the informal process described in Section II of the policy, the intermediary should take the report of hostile and intimidating behavior at face value.

Individuals who have experienced hostile and intimidating behavior should be protected from retribution or further intimidation in either the informal or formal process described in Section II of the policy.

- Instances of further intimidation or hostility, or of retribution, are considered part of the pattern of hostile and intimidating behavior and may be added to the complaint at any point in the formal process described in Section II of the policy.

Individuals who have experienced hostile and intimidating behavior, if working with an intermediary in the informal process or who report their experience in the formal process described in Section II of the policies, should be given access to the services of the Ombuds office, the Office of Employee Assistance, the Office of Equity and Diversity, the Office of Workforce Relations within OHR, the Vice Provost for Faculty and Staff, and University Health Services if applicable.

In the event of substantial evidence of hostile and intimidating behavior from a direct supervisor, measures should be taken to avoid continuation of the behavior and/or retribution, including a change in supervisor until the matter is resolved through the informal or formal process.

RECOMMENDATION III: Provide support and ensure due process for a person who has been accused of hostile and intimidating behavior.

In either the formal or informal process, the person accused of engaging in hostile and intimidating behavior should be directed to resources including the Ombuds office, the Employee Assistance Office, the Office of Equity and Diversity, the Office of Workforce Relations within OHR, and the Vice Provost for Faculty and Staff and University Health Services.

In some cases, the accused may not realize that her or his actions have been taken in a way that may be viewed as hostile and intimidating. Providing the opportunity for informal resolution is thus an important first step.

The informal and formal processes described in Section II of the policies are to be considered “due process.”

- In the informal process, while experiences of hostile and intimidating behavior are taken at face value, there should be no presumption of guilt until the matter is successfully resolved.
- In the formal process, due process is preserved through the investigatory process as described for faculty in FP&P chapters 8 and 9, for academic staff as described in ASPP chapters 6, 7, and 8 (University Staff policy on this topic is under development at this time).

The person accused under the formal process described in Part II of the policy should be advised to refrain from further contact with the person bringing the complaint or grievance that could be construed as further hostile or intimidating behavior or retribution, and therefore considered part of the pattern of hostile and intimidating behavior.

RECOMMENDATION IV: Provide training and support for leaders. This support applies to deans, directors, department chairs, and supervisors. These leaders establish workplace expectations and set a tone for the unit through their own example. Provide training for the cadre of HIB resource representatives in schools and colleges (Recommendation I).

Provide behavior remediation options.

Leaders and HIB resource representatives will require training to be informed of best practices as well as campus resources available to aid in resolving situations involving HIB. Potential Campus partners and training venues include the Deans council, the Vice Provost for Faculty and Staff, onboarding of new chairs programming, chair chats, HR training of supervisors through the “Fully Prepared to Manage” programs.

Another component of this recommendation is identifying and, if necessary, creating resources for behavior remediation. These resources could be made available to employees before a HIB situation escalated and could be part of the recommendations made during the formal complaint process when HIB is found to have taken place.

RECOMMENDATION V: Increase awareness of hostile and intimidating behavior throughout the workplace. There is an identified need throughout the UW to increase awareness of what constitutes HIB and of methods to defuse situations when HIB is encountered or observed. Several approaches have been proposed.

Hosting a series of local, facilitated conversations across campus during a period of roughly one year, similar to sexual harassment conversations sponsored by the Office of Equity and Diversity and conducted several years ago. Conversations will be moderated by trained facilitators and may be developed and organized through a collaboration involving campus organizations. Possible partners include the Ombuds Office, the Office of Equity and Diversity, Employee Assistance, OHR Learning and Talent Development.

Expanding offering of workshops currently offered by OHR-Learning and Talent Development: THRIVE@UW workshops for individuals. These workshops, currently attended by primarily University Staff, address workplace inclusion, self-knowledge and implicit bias, in addition to knowing the UW (history, funding, governance).

- We recommend integrating elements of these sessions into employee onboarding programming to reach all new university employees.
- We also recommend expanding capacity for the current workshops to more rapidly train current employees, as demand is higher than can currently be accommodated.
- We further recommend exploring delivery methods that would enhance the ability to reach employees of all classifications.

Training within departments/employee groups, separate from HR. There are exemplary practices involving discussion within units taking place on campus already and dissemination to other units is recommended. We recommend support for expanded offerings to include workplace behavior.

Another option for departments/employee groups is working together to develop of a Code of Conduct. Examples may be available as several departments and colleges have recently done this. Possible Campus partners here would include the Ombuds Office, the Office for Equity and Diversity, OHR-Learning and Talent Development, and the Campus Supervisor Network.

RECOMMENDATION VI: Actively disseminate information on hostile and intimidating behavior via campus media.

Campus and school/college publications and newsletters can help build a positive culture by keeping the topic at the forefront. This includes news stories in campus publications highlighting initiatives/resources associated with improving the campus climate and reducing hostile and intimidating behavior.

The addition of information about expectations and policies to employee handbooks is also recommended, with the various sexual harassment initiatives as a possible model. We also recommend dissemination of information through campus governance committees. Possible campus partners here would include University Communications, OHR, and governance groups.

RECOMMENDATION VII: Fostering a positive work-life balance and providing tools to minimize the impact of stress in the workplace is another strategy to build a positive culture.

Hostile and intimidating behavior may in some cases result from an accumulation of personal and/or workplace stress. Providing employees with training or resources that help improve their stress management skills will in some cases lead to a reduction in HIB.

Possible campus partners and resources would include OHR-Learning and Talent Development, “Workplace Wellness Workshops,” Molly Heisterkamp, Center for Healthy Minds/Healthy Minds Initiatives, various wellness initiatives offered by health care providers.

RECOMMENDATION VIII: Create a campus website that provides guidance to all campus employees on identifying, remediating and preventing hostile and intimidating behavior in the workplace.

Our committee has determined that it is crucial to create a centralized source of information online that is easy to find and to navigate. Users should be able to enter search terms such as “bullying” or “hostile and intimidating behavior” in the UW-Madison website and find the site easily. This site should be linked from the new working.wisc.edu site, with the Office of Equity and Diversity providing content curation. Likewise, the HIB website itself should include links to other campus resources devoted to climate questions that are not related to HIB in the workplace, such as those listed on campusclimate.wisc.edu.

In addition to a homepage with a definition of HIB, we recommend that the website contain the five sections outlined below:

- I. FAQs
- II. Principles/policies for faculty, academic staff, and university staff
- III. Recognizing and understanding HIB: Information for both victims and witnesses/bystanders
- IV. Addressing HIB
- V. Promoting a culture that helps prevent HIB.

Homepage: What is HIB?

This section should acknowledge that HIB in the workplace is a widespread problem in both the private and public sectors, including in colleges and universities. HIB should be defined and its costs to workers’ health and productivity should be addressed. On a more

positive note, it can be mentioned that as the awareness grows about HIB as a serious problem, tools to address it effectively are being developed.

I. FAQs

What is “hostile and intimidating behavior”?

Hostile and intimidating behavior, sometimes known by the shorthand term “bullying,” is defined as “unwelcome behavior pervasive or severe enough that a reasonable person would find it hostile and/or intimidating and that does not further the University’s academic or operational interests.” The full definition can be found here [link to Section II of the HIB web page: Principles and Policies].

Is “hostile and intimidating behavior” the same as “acting like a jerk”?

No. Acting badly is something that all of us do from time to time, for any number of reasons. “Hostile and intimidating behavior” is characterized by its interference with another person’s ability to work, by its heightened nature, and by the pattern(s) of its occurrence.

Is a policy prohibiting hostile and intimidating behavior an abridgement of academic freedom?

No. The free exchange of ideas and the sometimes vigorous debate that happens at universities is protected. Intimidation or hostility, which tends to impede people’s ability to engage in that exchange, is prohibited because it stands in the way of the work of the university.

What if someone verbally pushes me around, or is aggressive in trying to get me to say or do something I don’t agree with – is this “bullying”?

Maybe, maybe not. If you have a question about behavior that you’re experiencing and aren’t sure if it rises to the level of hostile and intimidating behavior as defined in the policy, there are people you can ask for help in answering that question, including the [Ombuds office](#), the [Office of Employee Assistance](#), your unit’s HR office, or the office of the [Vice Provost for Faculty and Staff](#). (Once the cadre of HIB resource representatives is in place, their contact information should be added here.)

What do I do if I feel like I’ve been bullied?

If you feel that you are being bullied, you owe it to yourself – and to other potential victims of the same bully – to seek assistance to see that this behavior is stopped. There are four approaches to take in addressing hostile and intimidating behavior, two informal and two formal. Information on these four approaches is accessible in Section IV: Addressing HIB.

I’m worried that if I bring instances of hostile and intimidating behavior to my chair or supervisor, the bully will retaliate or make my life even more miserable. How am I protected?

You can consult with the Ombuds office, or the Office of Employee Assistance if you’re worried about bringing the matter to your supervisor. They can counsel you on how best to proceed. If you’re pursuing an informal process of recourse, you can ask your intermediary or your chair/unit head to keep your name out of the conversation, though this may not always be possible. Retaliation is, by definition, hostile and intimidating. If you experience

retaliation, share this with the same person you brought the initial complaint to, as it's considered an additional instance of hostile and intimidating behavior.

What if my supervisor is the bully?

If your supervisor is the one who's hostile and intimidating, then bring your complaint to *that person's* supervisor, or to the unit HR representative. (In the case of a department chair, bring the matter to the academic associate dean; in the case of a unit head, bring the matter to that person's supervisor, or to the unit HR. If you're worried that blowback will affect your performance review, ask unit HR to assign someone else who's knowledgeable about your work to do your performance review.

What do I do if I witness hostile and intimidating behavior directed at another person, yet that person is him- or herself reluctant to take steps to stop the behavior?

The person witnessing the behavior should have a private discussion with the victim prior to taking any action on their behalf. Person A cannot be a complainant for Person B if B does not want them or ask them to do so. However, you may educate yourself about strategies and resources for HIB and offer support to Person B, including encouragement to take steps to resolve the problem. If Person A is also experiencing HIB from the same coworker as Person B, then Person A may pursue the informal and/or formal process without involvement of Person B, with potential benefit to Person B.

II. Principles/policies for faculty, academic staff, and university staff

This section of the web site should include a basic summary of principles underlying each formal UW policy, including those for faculty, academic staff, and, once it has been adopted university staff, followed by more detailed descriptions of the policies. This section will serve as a user-friendly guide to the relevant policies, written in plain language and a more conversational style than the policy documents themselves.

Subsections will mirror the sections in the corresponding policies. For the faculty and academic staff, this will include: Part I. Definition of hostile and intimidating behavior, and Part II. Procedures, including a) informal process and b) formal process. Suggested language, as adapted from the faculty and academic staff policies:

I. Definition of hostile and intimidating behavior. (Definitions should be appear on the HIB web page, and not just in the policy documents.)

Hostile and intimidating behavior is defined as unwelcome behavior pervasive or severe to the extent that it makes the conditions for work inhospitable and impairs another person's ability to carry out his/her responsibilities to the university, and that does not further the University's academic or operational interests. 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; Conspicuous exclusion or isolation having the effect of harming another person's reputation in the workplace and 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;

- Abuse of authority, such as using threats or retaliation in the exercise of authority, supervision, or guidance, or impeding another person from exercising shared governance rights, etc. Repeated acts or a 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.

II. Principles/policies

The following principles have guided the development of the HIB policies that have been enacted on our campus:

- Undesired consequences of HIB can be avoided or minimized when the problem is addressed early on, but victims are often hesitant to pursue a formal process before the impact of HIB is severe. Educational opportunities and campus resources have been implemented with the intent of aiding all employees in defusing situations before they become severe. These resources, including trained personnel who can advise and mediate, comprise the "informal process." It is inevitable, however, that situations will continue to arise in which informal interventions are not effective, and the "formal process" has been designed to address those situations.
- When HIB to a degree warranting the formal process does occur, established procedures and lines of authority are needed to resolve problems efficiently and effectively.
- Those in authority and in leadership roles must be provided support in the form of training in best practices in preventing HIB and in working to effectively resolve problems associated with HIB. The informal and formal processes additionally provide those in authority with meaningful tools to curtail HIB once it has come to their attention.
- Procedures must be sensitive to the vulnerability of employees in subordinate positions who experience HIB involving one or more supervisors. Opportunities for guidance and support at every stage of the process must be made available in a setting safe from fear of retaliation.
- Those accused of HIB are entitled to due process.

Policies: A practical introduction the policies should be written and included on the web site once implementation details have been established. The two policies in place at this time are for faculty and academic staff, respectively. Development of a policy for university staff is also in progress and should be included here.

It should be noted here that employees experiencing HIB are often in a different job classification than their perpetrators. The policies referred to above are thus each applicable only to those employees in the respective classifications *accused* of HIB. Therefore, another recommended component of the practical guide is guidance by job classification for those *experiencing* HIB. [This section will link to Part IV of the web site, "Addressing HIB," where procedures are laid out in detail.]

III. Recognizing and understanding HIB: Information for both victims and witnesses/bystanders

This section should contain definitions and information on recognizing behaviors that rise to the level of hostility and intimidation. It is very important to include specific scenarios of HIB (see Appendix A for examples), relevant to each of the major UW constituencies, i.e., faculty, academic staff, and university staff, as well as graduate student and student hourly workers. Scenarios should exemplify HIB where there is a power differential (e.g., administrator or supervisor vs. subordinate) and HIB among peers. There should also be information on understanding the reasons underlying HIB (e.g., psychological), as well as links to more information (e.g., research) on HIB. Each scenario should be accompanied by an analysis that: 1) elucidates the nature of HIB depicted, 2) describes options and resources for the individual involved, and 3) provides one or more hypothetical resolution.

IV. Addressing HIB

Those who are experiencing **HIB** should be able to find information and resources to aid in addressing and stopping **HIB**. Information resources should include separate subsections for each of the five constituencies mentioned above (faculty, academic staff, university staff, graduate student workers, student hourly workers). Each of these subsections will start by connecting victims and observers of **HIB** to designated **HIB** resource representatives (Recommendation 1) who have specific knowledge of and training in **HIB** and who can serve as sounding boards and/or advocates. Each subsection will also include a description of the informal and formal processes described in governance groups policies, as well as remediation options, customized to reflect differences in procedure for different employee categories. Information will also include a listing of campus partner units (e.g., Ombuds, Employee Assistance Services, Office of Equity and Diversity, etc.) with clear explanations of the services provided by each unit.

There are several possible approaches to take in addressing hostile and intimidating behavior. Informal approaches include:

- Directly approach the individual whose behavior is unwelcome. Tell them how their behavior affected you and tell them that you don't want it to happen again.
- Rather than approach the individual yourself, you may ask for an "intermediary" – a trusted colleague at the department, school/college, division, or campus level – to do so on your behalf.
- A related approach would be to bring the matter to your supervisor, your chair, or – if the person involved is the supervisor or chair – the associate dean or **HR** representative to seek their advice.
- For academic staff, there's an informal conflict resolution process outlined in Section 7.01 of **ASPP** that can be followed.
- Designated **HIB** resource representatives can serve as a confidential source of guidance in pursuing any of the above methods.

Formal approaches:

- You can file a complaint with your department chair or unit head. (If the conflict is with the chair or unit head, file the complaint with the dean or director.)
- In the case of a faculty complaint, the chair or dean will investigate the complaint, and if she or he finds that there's evidence to support the complaint, she or he can initiate disciplinary or dismissal action by filing a complaint with the provost.
- In the case of a staff complaint, the chair (or unit head) or dean (or director) will investigate the complaint, and if she or he finds that there's evidence to support the complaint, she or he can initiate discipline or dismissal action under chapter 6 of **ASPP**.
- If filing the complaint doesn't resolve the matter, you can file a grievance.
 - For faculty, the grievance is filed with the University Committee; the process is outlined under chapter 8 of **FPP**.
 - For academic staff, the grievance is filed with the Academic Staff Appeals Committee; the process is outlined under chapter 7 in **ASPP**.
- Research or scholarly misconduct: some actions contributing to hostile and intimidating behavior may constitute research misconduct, for which additional resources and processes apply. The Office of the Vice Chancellor for Research and

Graduate Education investigates reports of research misconduct. More information can be found at: <https://kb.wisc.edu/gsadmin/kb/page.php?id=34484> Reporting of research misconduct may be combined with other approaches described above, as needed.

- Sexual harassment and discrimination of those with protected status: some actions contributing to hostile and intimidating behavior may constitute sexual harassment or discrimination, and such cases are investigated by the Office of Equity and Diversity. More information can be found at: <https://oed.wisc.edu/filing-complaint.htm> and <https://oed.wisc.edu/sexual-harassment-information.htm>. Reporting of discrimination and sexual harassment may be combined with other approaches described above, as needed.
- If you are a staff member who has been bullied by a faculty member, you may pursue any of the approaches outlined above. If you're using the informal process, it's the same regardless of whether the person involved is faculty or staff. If you're using the formal process, the steps are the same, but in order to assure due process, the governance bodies and policies that apply are the ones for the person *accused* of HIB. (So, if you're a staff member who has been subject to HIB by a faculty, the faculty member is entitled to due process under FP&P chapters 8 or 9; if you're a faculty member who's been bullied by a member of the academic staff, the staff member has due process under ASPP chapters 6 and 7.)

Graduate Student Workers – Graduate student workers are often in very precarious situations with little to no institutional power/influence. We also know that Graduate student workers (according to AAU survey results: [http://www.upenn.edu/ir/surveys/AAU/Report and Tables on AAU Campus Climate Survey.pdf](http://www.upenn.edu/ir/surveys/AAU/Report%20and%20Tables%20on%20AAU%20Campus%20Climate%20Survey.pdf)) are experiencing HIB and sexual harassment from faculty members. Support and resources must specifically address the unique circumstances of student employees. Graduate student workers should have access to a wide network of support from Graduate Coordinators, TAA Stewards, and the Graduate School. Individuals serving in any of these roles should have training and access to up-to-date information to aid in assisting graduate students experiencing HIB and in directing them to appropriate resources.

Student Hourly Workers – Information specifically tailored to hourly workers (primarily undergraduate students) who are experiencing workplace HIB must also be provided.

V. Promoting a culture that helps prevent HIB

Ideally, we should move toward a culture that helps prevent HIB from occurring in the first place. This section should contain information especially for people in positions of authority, such as department chairs, supervisors, and managers, making clear to them that they bear a special responsibility in helping ensure that HIB does not happen, and when it happens, how best to deal with it. Ignoring HIB is not an option. This section should contain useful resources like the WISELI brochure, “Enhancing Department Climate,” as well as information on training sessions, news related to dealing with HIB on campus, etc. The WISELI brochure is included as Appendix B in this report. WISELI staff have been contacted and are willing to provide permission to adapt, use, or copy portions of this brochure for use in a new document addressing bullying and/or harassment provided that appropriate attribution or citation is made. Please contact WISELI (wiseli@engr.wisc.edu)

or Eve Fine (efine@wisc.edu) to request such permission and for guidelines on citation/attribution.

Appendix A – Sample Scenarios

Sample Scenarios – real-life stories (names removed) contributed by members of the campus community. *It is recommended that each scenario provided to the campus community be accompanied by a professional analysis (does it constitute hostile and intimidating behavior?) and recommended actions.*

1. A faculty member A does not like faculty member B. Faculty member A, in front of students and colleagues, states that faculty member B does not know how to conduct research and regularly tells students not to work with her.
2. Pitting junior faculty against each other by creating false stories and telling A what B supposedly said only to find out the person made up the stories to create conflict.
3. Unit dean/director calls employees at night, on weekends, and holidays to require immediate action on non-emergency issues. (This can happen one time to multiple individuals or may happen multiple times to the same individual.)
4. Unit director regularly assigns the same project to multiple staff members to judge who responds the quickest and whose work is the “best.”
5. Person in leadership position sends hostile email messages to faculty and staff, with no recognition of the unprofessional behavior and no follow up conversations about the matters at hand. (It’s as if the messages were never sent.)
6. Unit dean/director uses performance reviews as a weapon. Performance reviews are used *only* when director is upset with a member of the staff, or when a staff member makes a request for professional development, a promotion, or other type of recognition in the work place.
7. A faculty member calls an academic advisor to talk about the grade of the faculty member's son. When the advisor said she couldn't discuss it because of FERPA, the faculty member became angry and said she would have the advisor fired. The advisor called the director crying, and the director called the faculty member to tell her that was inappropriate and she should apologize. The faculty member never apologized to the advisor.
8. Staff Y is asked at a meeting why he was there if he wasn’t the note taker. He is the only staff member at the meeting and had not been asked to take notes prior to the meeting.

9. Faculty member e-mails Staff Y a question while Staff Y is away from his desk in the restroom. By the time Staff Y returns, faculty member has e-mailed Manager Z that Staff Y hasn't replied to his e-mail. (There are many other variations on this theme.)
10. Staff Y is new to campus. Staff Z has been on campus a long time. Staff Y walks back and forth outside Staff Z's office anytime Staff Z has a visitor.
11. Staff X became concerned about a safety violation or health hazard and notified Supervisor Y. Supervisor Y poked fun at Staff X for being concerned and bringing it up. Not long after, when Staff X returned to work he/she found a cartoon posted all over the work place which depicted him/her of complaining about the health hazard. Supervisor Y and coworkers laughed at the the cartoons of Staff X. When Staff X requested for the cartoons to be removed from the workplace walls, Supervisor Y refused.
12. Manager Z would often call Staff X into his/her office to berate Staff X. Manager Z would say hurtful things like, "I've never had an employee as bad as you before. Nobody likes you. Your coworkers never wanted you to work in their section but I made the choice to give you a chance. Your coworkers come to my office to complain about you all the time." Staff X later went around the workplace and asked coworkers if what Manager Z said was true. All coworkers said that it was not true and even liked Staff X a lot as a coworker. Manager Z would also tell Staff X that she never thought about things correctly because she was a woman and women can never think rationally since they get too emotional over everything. Whenever Staff X would try to stand up for herself, Manager Z would threaten discipline for insubordination.
13. Professor Z (Academic Staff) asks Student X to find a protocol for a research experiment method which is unpublished. Every day that Student X admits that they can't find the protocol and needs help, Professor Z berates Student X and says that they are the worst student ever and performs at a junior high level. One day Professor Z admits that they wrote the method years ago, never had it published, had the only copy stored in a locked cabinet in their office, and continued to berate the student for not being able to find it on their own without help.
14. Professor Z (Academic Staff) was approached by Student X and was asked why they were not getting paid for two semesters of research work performed. Professor Z calls Student X into the office and invites their spouse to berate and embarrass in front of them. Professor Z tells the spouse that they are the stronger sex and must keep Student X in their place in all aspects of life, including work, school, and personal life. Student X was threatened to stay quiet, or else they would be labelled as a problem and would lose their job and chance at earning their master's degree.

15. A faculty member needed copies just a few minutes before the start of his class. Department policy is that under those circumstances the faculty member needs make their own copies. The copier wasn't working and the student hourly working in the front office also couldn't get the copier to work. The faculty member became quite frustrated and angry and called him stupid for not being able to operate a copy machine.
16. Faculty member A respectfully disagrees with faculty member B during a departmental meeting. In the hallway after the meeting and in front of other colleagues, faculty member B calls faculty member A "an embarrassment to the department" for disagreeing with his opinion during the meeting.
17. Faculty member yells at a staff member for enforcing a department policy and then sends an email with belittling comments and copies others on the email.
18. Staff X stalks Staff Y and follows close behind making loud noises to intimidate. Staff Y ignores Staff X so that an argument is avoided. Staff X continues to make faces and crude hand gestures at Staff Y whenever no one else is looking. Staff Y doesn't report this behavior to the supervisors because Staff X is the favorite employee, and fears retaliation.
19. Staff Y wanted to protect their personal belongings at work and put a sign on important items to prevent others from taking or using their things. Manager Z approved of the sign and echoed the importance of keeping other employees out of private belongings. Months later, Manager Z approached other employees and tried to get them to complain about the sign and even tried to get them to say that Staff Y had threatened them. No employees agreed to follow Manager Z's instruction to falsely accuse Staff Y of threatening behavior. Manager Z continued to accuse Staff Y of posting a threatening sign on their private belongings and lied that employees complained about it. Manager Z pursued discipline against Staff Y for a sign that Manager Z approved and that nobody complained about.
20. Normal work hours are between 7:45 AM and 4:30 PM at a particular work site. Supervisor X was absent from work one particular day and staff went home at 4:30 PM from Supervisor X's unit just like the other units all do from that work site. The employees put their work away at the end of the day with the intention of continuing at 7:45 AM the next morning. Supervisor X selected 2 employees who left work at 4:30 PM and decided to hold a pre-disciplinary meeting against them.
21. Manager Z wants to hold a disciplinary meeting with Human Resources against Staff Y. Staff Y is not notified in advance and is ordered to attend the meeting while unaware of any accusations of violating work rules. When

asked, Manager Z refuses to admit that the meeting could result in discipline and refuses to let Staff Y have a representative present.

22. Staff Y lost employment because of a layoff but was reinstated into a new job because of priority rights to a similar position to that which they previously held. Manager Z wanted to hire someone else into the position but had to reinstate Staff Y instead. Manager Z continually pressures Staff Y to quit work and tries to convince them that they don't fit in with their new job duties. Manager Z scrutinizes the work of Staff Y and holds weekly performance reviews to keep pressure on Staff Y. Staff Y has not done anything to warrant disciplinary action, but Manager Z continues to use performance reviews to discourage Staff Y.
23. Faculty member makes derogatory, untrue statements about another faculty member during a public event.

Appendix B - WISELI Department Climate Brochure

Enhancing Department Climate

A Guide for Department Chairs



Campus Climate: Behaviors within a workplace or learning environment, ranging from subtle to cumulative to dramatic, that can influence whether an individual feels personally safe, listened to, valued, and treated fairly and with respect.¹

Climate: The atmosphere or ambience of an organization as perceived by its members. An organization's climate is reflected in its structures, policies, and practices; the demographics of its membership; the attitudes and values of its members and leaders; and the quality of personal interactions.²

What is Climate? Why Does it Matter?

There is no simple definition of department climate, yet research shows that “climate” plays an important role in people’s satisfaction, effectiveness, productivity, engagement, and decisions to remain in or leave a department or area of study. Multiple studies and surveys demonstrate that faculty place great value on department climate and collegiality and that these factors are critical to faculty retention.³

Discussions with and surveys of university faculty, staff, and students reveal 8 common concerns about department climate:

- Lack of respect, consideration, and/or politeness
- Insufficient sense of community or belonging
- Lack of recognition, visibility, and/or value
- Ineffective communication
- Lack of support or inequitable access to professional development opportunities
- Difficulties achieving balance between work and family or personal life
- Illegal behaviors and demeaning, sexualizing, hostile, condescending language and behaviors
- Retention and/or tenure of women and minority faculty, staff, and students

For each of these areas, this document provides practical advice department chairs can use to foster climates in which everyone feels welcome, respected, and valued.

When addressing these concerns, remember that though issues of climate may be common to all department members, the solutions or remedies for specific groups or individuals may differ. It is also important to recognize that though members of various minority groups may experience less welcoming climates than their majority peers, particular concerns may be of greater or lesser salience to specific groups. Efforts to improve climate must take into account both the nature of the department and the uniqueness of its members’ concerns.

Promote Basic Manners—Respect, Consideration, and Politeness

- ❑ Issue a policy statement establishing the expectation that all members of the department treat each other with dignity and respect and that inequitable treatment, incivility, bullying, and harassment will not be tolerated.
- ❑ Promote these policies by personal example:
 - ❑ Greet faculty, staff, and students pleasantly in the hallways or in other chance encounters.
 - ❑ Make requests politely and thank faculty and staff for work performed, even when it is part of their job expectations.
 - ❑ Address individuals by their appropriate titles. Program Administrators or Managers, for example, may prefer that you not refer to them as secretaries.

“Hostility and rudeness of one or more faculty within the department detract most from [my] satisfaction at [work].”⁴

- ❑ Hold department members accountable for violating basic standards of respect, consideration, and politeness by assessing these factors during annual performance evaluations. Rely on these assessments when making committee assignments, recommendations for awards, and other honors.

Build an Inclusive Community

- ❑ Include all groups in department governance. In addition to faculty, include representatives of staff, postdoctoral scholars, and students in department meetings and give them voting rights when possible.
- ❑ Examine departmental committees. Ensure that leadership and membership are diverse with respect to age, gender, nationality, race, ethnicity, and other aspects of human difference. Assess whether departmental teaching assignments are appropriately and equitably distributed. Consider creating a worksheet or rubric to track committee and teaching assignments and ensure equity.

- ❑ Examine departmental events such as seminars, colloquia, and conferences and make sure they include presenters of various ages, genders, nationalities, races, and ethnicities.
- ❑ Establish the expectation that all faculty, graduate students, and postdoctoral scholars attend departmental seminars or colloquia delivered by guests and colleagues, and that they show respect to speakers by not reading, checking email, grading papers, or engaging in other tasks during the event.

“Being physically disabled, I am sometimes dismissed or challenged by coworkers and administrators.”⁵

- ❑ At department meetings, ensure that everyone has a chance to voice opinions or concerns. Acknowledge and attribute ideas, suggestions, and comments accurately. Women and members of minority groups often report that remarks they make during department meetings are ignored, unheard, dismissed, or inaccurately attributed to their majority male departmental colleagues.
- ❑ Promote inclusive language by example. Avoid using only male pronouns when referring to groups composed of both sexes. Avoid language that makes assumptions about marital status and/or sexual orientation, i.e., consider using “partner” or “spouse,” rather than “husband” or “wife.”
- ❑ Encourage faculty and staff to welcome and collaborate with new department members.
- ❑ Personally introduce new faculty and staff to department members with shared interests.
- ❑ Encourage new faculty to seek out colleagues in other departments and offer to make introductions.
- ❑ Host regular social events and ensure that they are open to all department members when appropriate.
- ❑ Create a communal space—a lunch or break room—where department members can informally gather and exchange ideas.

Recognize and Value the Work of Department Members

- ☐ Publicly praise faculty, staff, and students for their work on behalf of the department. Be sure to attribute credit accurately.
- ☐ Make public announcements regarding awards or recognition department members (faculty, staff, postdocs, or students) have received. Evaluate departmental recommendations for honors and awards and ensure that bias is not inadvertently influencing the nomination or selection process.

“The professor I work for ... is always careful to acknowledge the contributions that I make and to thank me for the work that I do. It is amazing how these small comments make a difference in my day.” ⁶

- ☐ Develop departmental standards regarding authorship, or enforce standards established by your academic discipline.
- ☐ Encourage respect for varied research methodologies, for interdisciplinary research, and for mainstream and “non-mainstream” research. Ensure that guest lecturers and speakers represent a wide range of research areas and/or methodologies.
- ☐ Encourage all faculty and students to be aware of the academic contributions of their departmental and campus colleagues and, when relevant, to cite these contributions in their publications and presentations.
- ☐ Conduct regular pay equity reviews to ensure that women and minorities receive fair compensation.

Communicate Effectively

- ☐ Clearly and honestly communicate departmental values and expectations—and act in accordance with them.
- ☐ Clearly communicate departmental policies and procedures, in written form.

- ❑ Provide written clarification of conditions of employment to all departmental employees.
- ❑ Provide informational documents to students that specify all aspects of their education.
- ❑ Distribute written announcements about position openings, fellowships, awards, and other opportunities to all students. Do not rely on word of mouth announcements that may only reach certain students.
- ❑ Clearly define qualifications and application processes for all faculty and staff position openings and promotions.
- ❑ Provide new faculty with clearly written guidelines and standards for achieving tenure in your department. Provide information on departmental and university-wide standards.
- ❑ Ensure that all department members—faculty, staff, and student employees—receive annual performance evaluations.
- ❑ Provide open and honest communication about how you and your department make decisions and allocate resources.
- ❑ In communicating, consciously solicit perspectives from diverse groups of people.
- ❑ Become aware of cultural and gendered differences in styles of communication, and about culturally conditioned expectations regarding styles of communication.

Promote Professional Development

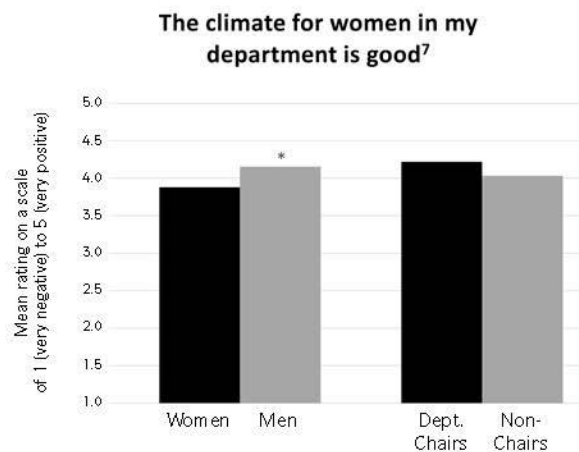
- ❑ Enable faculty and staff to use work time to attend courses, workshops, and national meetings.
- ❑ Provide financial support for faculty, staff, postdocs, and students to attend or present at workshops, courses, or national meetings.
- ❑ Encourage faculty to invite staff and students to present lectures in their areas of expertise.
- ❑ Ensure that new faculty and staff have at least one mentor in the department and encourage them to seek mentors outside the department as well.
- ❑ Recognize the importance of providing new faculty members with a mentor who does not also serve as an evaluator who will play a role in decisions about tenure and promotion. Encourage new faculty to take advantage of formal mentoring programs that your campus may offer.

Encourage Balance between Work and Family or Personal Responsibilities

- ☐ Foster inclusiveness in scheduling departmental meetings and events. Recognize that parents may not be able to attend early morning or late afternoon meetings and events.
- ☐ Develop creative and flexible solutions to accommodate family and personal responsibilities. Invite faculty and staff to suggest solutions and find out about accommodations other departments have made. Consult with relevant campus offices or individuals.
- ☐ Budget for lecturers and other staff members needed for family and/or medical leave.

Expand Perspectives

- ☐ Do not rely solely on your own perception of department climate. Rather, become aware of others' perspectives.



- ☐ Become aware of how unconscious biases and assumptions can influence interactions between department members and how they can lead to microaggressions.⁸

- ❑ Listen respectfully to complaints and concerns about treatment or policies in the department. If the complaint concerns another department member, hold a separate meeting with that individual to address the issue and, when possible, avoid identifying any individual/s who complained. In your discussions with both parties, focus on solutions and means of improving the situation instead of dwelling on blame and ill treatment.
- ❑ If the complaint regards bullying, harassment, or other unacceptable or illegal behaviors, refer to the section below on **“Respond to Illegal and Unacceptable Behavior.”**

Respond to Illegal and Unacceptable Behavior

- ❑ Develop and clearly state a zero tolerance policy for discrimination, bullying, harassment, sexual harassment, and unreported instances of conflict of interest in a consensual romantic or sexual relationship.
- ❑ Learn about your campus’ policies and procedures for responding to and reporting complaints about behaviors that violate institutional policy or state and federal laws.
- ❑ If someone approaches you with a complaint of such behavior do not dismiss the complaint. Rather, immediately recognize the complaint, acknowledge the courage needed to approach you, and quickly determine what the individual approaching you wants. Respect his/her decisions and avoid imposing what you think you would do in the same circumstances.
- ❑ Consult early and often with campus personnel knowledgeable in the area of responding to such complaints, especially if the complaint involves illegal behaviors such as discrimination or sexual harassment.
- ❑ If the complaint requires action, act swiftly and fairly. Be prepared to deal not only with the principals involved, but also with the influence any actions may have on the department and its members.

Retention and Tenure of Women and Minority Faculty

Numerous surveys and studies conducted in colleges and universities across the nation show that individual members of a minority group—whether minority status derives from race, ethnicity, sex, gender, sexual orientation, religion, physical ability, or even area of research specialization—feel less welcome, respected, and valued than their majority peers.⁹ Working to enhance department climate can help retain women and minorities and increase their success. To retain and successfully tenure women and minority faculty members, consider the following recommendations:

- ❑ Ensure that the isolation and alienation that many women and minority faculty members experience is not mistaken for or criticized as “not being collegial” or “not being a team player,” particularly when they are evaluated for tenure by departmental colleagues.¹⁰
- ❑ Ensure that women and minority faculty members are not subject to higher expectations for number and quality of publications than men and majority faculty members. Be aware that inadvertent biases and assumptions may influence the evaluation of women and minority faculty members.¹¹
- ❑ Ensure that women and minority faculty members are not disproportionately burdened with committee and other service obligations. Help them determine which service opportunities will foster their professional goals.¹²
- ❑ Value the diverse perspectives members of underrepresented groups can bring to the research, teaching, and administration of your department.¹³

Concluding Advice

Rely on campus resources as you work to enhance department climate. These may include experts and services provided by your Office of Equal Opportunity; Office for Equity and Diversity; Chief Diversity Officer; Office of Human Resources; Office of Quality Improvement; Employee Assistance Programs; Work/Life Programs; and organizations or committees for women and minority groups.

RECOMMENDED READING

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For more readings see "Campus/Department Climate" in WISELI's online library (<http://wiseli.engr.wisc.edu/library.php>)

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² UW–Madison Committee on Women in the University, Work Group on Climate, 2002.

³ Rosser, 2004; Ryan et al., 2012; Trower, 2005, 2014; and more.

⁴ Study of Faculty Worklife at the University of Wisconsin–Madison, 2006.

⁵ Study of Faculty Worklife at the University of Wisconsin–Madison, 2012.

⁶ UW–Madison Committee on Women in the University, Climate Vignettes, 2002.

⁷ Savoy and Sheridan, 2013.

⁸ Sue, 2010, 2012.

⁹ Callister, 2006; Carr, 2015; COACHE, 2010; Fries-Britt et al., 2011; Gardner, 2012; Jayakumar, 2009; Study of Faculty Worklife at the University of Wisconsin–Madison, 2012; Victorino et al., 2013; and more.

¹⁰ Haag, 2005.

¹¹ WISELI, Benefits and Challenges of Diversity, 2004.

¹² Misra, et al., 2011

¹³ Caleb, 2014; Freeman and Huang, 2014; Page, 2007; Woolley et al., 2010; and more.

For full references see: <http://wiseli.engr.wisc.edu/climate/BrochureRefs2015.pdf>



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